

**North Yorkshire Police and Crime Panel**

**19 July 2018**

**Yorkshire & Humberside PCP Network Meeting – 23 May 2018**

**1.0 Purpose of Report**

- 1.1 To update the Panel on the first meeting of the Yorkshire and Humberside Police and Crime Panels network meeting, held on 23<sup>rd</sup> May 2018;
- 1.2 To invite the Panel to consider the potential areas for further development within the Panel.

**2.0 Background**

- 2.1 The Panel agreed in January of this year that we would join a regional network of Panels from across Yorkshire and Humberside, facilitated by Frontline Consulting, with a view to regularly exchanging information on common issues of interest and sharing experience on areas of good practice. The network comprises Panels from South and West Yorkshire, Humberside and North Yorkshire.
- 2.2 The first network meeting was held in Leeds on 23<sup>rd</sup> May 2018 and was attended by Councillor Peter Wilkinson, Paula Stott and Diane Parsons. It was well-attended by Chairs and/or Vice Chairs, plus supporting officers, from each of the Panels represented. North Yorkshire was the only Panel to have a Community Member attending and as such this perspective was welcomed by the group.
- 2.3 A summary of some of the key topics discussed is provided below, along with some potential areas for further consideration around supporting the ongoing development of the North Yorkshire Panel.

**3.0 Key discussion points**

- 3.1. The constituent Panels set the agenda for each network meeting but the basic template for each agenda will include the opportunity to have a regional round-up to share work programmes and other information and to explore 'hot topics'; whether these are responses to national initiatives or particular challenges faced. This meeting's agenda included:
  - A round-up from each Panel represented about the work they have been undertaking, innovation and future plans;
  - Update on the establishment for a national voice for PCPs (see Item 13(a));
  - 'Hot topics' as selected by the Panels, including how to help raise the profile of PCPs and examples of proactive scrutiny work undertaken.

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- 3.2 This was the first occasion the group had been able to formally convene and be given the space to contribute fully. As such, a lot of time was given over to each Panel providing background to their development from inception in 2012 and the challenges they had been tackling. This was time well spent though as it afforded the opportunity for a full and frank exchange of experiences, opinions and suggestions; understanding how each had developed, what had worked and what hadn't. Some common themes emerged around challenges faced in developing a Panel's efficacy, including turnover in membership, clarity of role for all members, limitations to Panel powers and getting timely access to an adequate level of information.
- 3.3 The group acknowledged a number of areas or principles applied which had helped to improve their Panel's efficacy and robustness, including:
- The value of having some form of induction for new members;
  - Developing good relationships with the PCC/OPCC such as through co-planning on the forward work programme and pre-agenda meetings;
  - Panel Chair meeting regularly with the PCC outside of Panel meetings;
  - Benefits of engaging with other key partners/stakeholders such as Community Safety Partnerships; and
  - Ensuring that requests or recommendations made by the Panel are tracked / dated to help enable follow-up.
- 3.4 The group reflected on the broad (and expanding) remit for Panels and the difficulties this can bring around keeping a balance between responsiveness and maintaining scope for proactive scrutiny work. However, there were some good examples shared by all on more proactive scrutiny, where 'deep dives' into key issues of concern or interest had been undertaken (for example at extended Panel meetings or via task groups) or for example where Panel meetings had taken as their focus one particular priority of the Police and Crime Plan.
- 3.5 It was generally acknowledged that raising awareness of the role of Panels for the public and partners is difficult, as is engagement, particularly where support resources within local authority communications teams are limited. However, there were many points of good practice shared which are helping to improve the situation, such as webcasting meetings, making greater use of social media, publishing press releases and having an accessible, informative and up-to-date website.
- 3.3 The group also considered the scope for undertaking a joint piece of scrutiny work where there is an issues of common concern or interest across all of the Panels. This may be revisited at a future meeting.
- 3.4 It was noted that there is some divergence in the allowances provided to Panel members within the constituent Panels and also that there is some variation in how Panels are resources and funded, whether this includes for example contributions

## ITEM 13(b)

from constituent local authorities. The group agreed that such an important area of scrutiny responsibility required adequate resourcing to be really effective.

- 3.5 The meeting was well facilitated by Frontline and members benefited from their wide experience of working with Panels, PCCs and other regional Panel networks. Overall, this represented a good start to developing a useful collaboration with neighbouring Panels. The next meeting will be held on 17<sup>th</sup> September 2018, with a further report to the Panel to come thereafter.

### **4.0 Potential areas for further development within the North Yorkshire PCP**

- 4.1 While this meeting did reinforce that the North Yorkshire PCP has made a lot of good progress in critically reviewing and developing its effectiveness as a scrutiny body in the last few years, it also highlighted some areas of good practice from other Panels which members may wish to give further consideration to. These are listed below.

- Making links with HMICFRS  
It was noted that some Panels have worked on developing regular, informal links with their area inspector for HMICFRS and this has been of benefit to the Panel's own scrutiny around inspections and formal reports.
- Link members on key issues or priorities  
This would involve identifying members to take on link roles on key areas of the Police and Crime Plan and/or to reflect issues being considered via PCP sub-groups. Single members then take ownership for keeping informed on an issue and ensuring that the wider Panel is briefed as needed.
- Improving feedback to the constituent authorities  
Ensuring the councillors sitting on the Panel are regularly reporting back in to their council on Panel business, perhaps with reference to recent minutes or Key Messages.
- Annual Report for the Panel  
Publishing an annual report that can be circulated to councillors, MPs and other stakeholders. A good practice example is that of West Yorkshire – see <http://www.westyorkshire-pcp.gov.uk/Documents/Publications/WY%20PCP%20Annual%20Report%2015-16.pdf> The North Yorkshire PCP already provides similar reports to local Crime and Disorder Committees but there may be benefit in agreeing a single version of an annual report, formally, as a Panel which is then distributed electronically and used for subsequent local committee meetings.
- Memorandum of Understanding (MoU) developed between the PCP and PCC  
Some Panels have developed an MoU with their PCC, setting out broad principles and aims around how they will work together. It was noted that this can be a useful document to have in place and refer to as needed and an example from

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West Yorkshire is included for information at Appendix A. However, it was noted that for some Panels, having an MoU hasn't particularly mitigated or helped to overcome some of the functional challenges faced.

- 4.2 The group agreed that it would be beneficial to undertake visits to Panel meetings of those Panels within the network, to observe first-hand how they function. Forward dates for each of the other Panels has been provided for your consideration at Appendix B.

### **5.0 Recommendation**

- 5.1 That the Panel notes the update provided from the first regional Panel network meeting;
- 5.2 That members consider the areas for potential future development highlighted in section 4, including visits to other Panels.

#### Report presented by:

Councillor Peter Wilkinson  
North Yorkshire Police and Crime Panel  
(Hambleton District Council)

#### Author of report:

Diane Parsons  
Principal Scrutiny Officer  
County Hall  
Northallerton

10<sup>th</sup> July 2018

#### **Background Documents:**

- Appendix A - Sample Memorandum of Understanding - West Yorkshire PCP and the West Yorkshire Police and Crime Commissioner
- Appendix B - Future dates for meetings of the Police and Crime Panels in West Yorkshire, South Yorkshire and Humberside.



Office of the  
**Police & Crime  
Commissioner**  
West Yorkshire

**West Yorkshire**

**Police and Crime Panel**

**and**

**Police and Crime Commissioner**

**Memorandum of Understanding**

**January 2017**

## **Memorandum of Understanding Contents**

1. Signature Sheet.
2. Memorandum of Understanding Outline
3. Protocol and Procedure for Confirmation Hearings.
4. Protocol and Procedure for Information Sharing.
5. Complaints Procedure.

# **Memorandum of Understanding Signature Sheet 2017-2018**

Between:

West Yorkshire Police and Crime Panel

and

West Yorkshire Police and Crime Commissioner

Included in the Memorandum of Understanding is protocol and procedures for confirmation hearings, information sharing and complaints.

\_\_\_\_\_  
(signature)

**Mark Burns-Williamson OBE**

Police and Crime Commissioner

Date:

\_\_\_\_\_  
(signature)

**Councillor Allison Lowe**

Chair, West Yorkshire Police and Crime Panel

Date:

## **Introduction**

The Police Reform and Social Responsibility Act 2011 has brought in new structural arrangements for strategic police decision making and police accountability. Principal among these changes is the election of a Police and Crime Commissioner (the Commissioner) and the appointment of the West Yorkshire Police and Crime Panel (the Panel). The Panel is responsible for scrutinising and supporting the decisions and activities of the Commissioner. In turn the Commissioner will hold the Chief Constable to account.

The work of the Commissioner and the Panel continues to be delivered in a changing and challenging environment which requires flexibility and pragmatism in our approach, high levels of cooperation and joint working, as well as a commitment to support each other in the delivery of shared and individual responsibilities.

Our overriding aims are to keep people safe and feeling safe, to provide the very best service that we can to the diverse communities of West Yorkshire.

This Memorandum of Understanding is a statement of our commitment to build and nurture an effective partnership based on the principles set out in this Memorandum.

## **Purpose**

The Memorandum sets out the broad principles and processes which will guide the Commissioner's and the Panel's work together. It sets out our expectations to support a positive and constructive relationship. It also provides a framework for the development and agreement of additional protocols/procedures to deal with specific issues.

We will use the Memorandum as a means of:

- promoting and encouraging appropriate values and behaviours in partnership working
- holding each other to account and
- reviewing progress

## **Our Key Statutory Roles and Responsibilities**

The Commissioner is responsible for:

- Securing an efficient and effective police force for West Yorkshire
- Producing, and consulting on, a five year Police and Crime Plan, in consultation with the Chief Constable and partners, which sets the police and crime objectives for the area.
- Holding to account the Chief Constable (including the power to appoint and dismiss)
- Publishing information/datasets including an Annual Report detailing progress against the Police and Crime Plan
- Setting the annual force budget and police precept
- Requiring the Chief Constable to prepare reports on police matters

The Panel is responsible for:

- Scrutinising the Commissioner, to promote openness in the transaction of police business and also to support the Commissioner in the effective exercise of their functions
- Contributing to the development of the Commissioner's Police and Crime Plan
- Reviewing the Commissioner's proposed precept
- Reviewing the Commissioner's proposed appointments of Chief Constable, Chief Executive, Chief Finance officer and Deputy Police and Crime Commissioner and holding public confirmation hearings for these posts
- Making reports and recommendations on matters relating to the Commissioner
- Investigating and informally resolving complaints relating to non-criminal behaviour of the Commissioner

## **Our Principles for Successful Partnership Working**

### **Shared objectives**

Our shared objective is to tackle local crime and disorder, creating safer communities throughout all of West Yorkshire.

Community safety is the protection of everyone's right to live without fear for their own, or other people's safety. It is about impacting on crime, fear of crime and victimisation. It means the empowerment and involvement of all in the community to – tackle inequalities, address the underlying causes of crime and create environments in which all people feel safe. It is about quality of life.

We will co-operate with each other, and our partners and the other responsible authorities, to reduce crime and anti-social behaviour and support an efficient and effective criminal justice system.

### **Shared values and behaviours**

At the heart of successful partnership working is trust and co-operation. Building trust takes time but it only takes an instance to damage it. Agreeing shared values and behaviours, which are interrelated and impact on each other, are critical to successful partnership working and developing trust. We have set out below our shared values and how we will behave to demonstrate them. We will hold each other to account and measure ourselves against these principles.

### **Taking an Evidence-Led Approach**

We will ensure priorities are evidence based and decision making is transparent. Effective action is based on reality and is solution focussed.

We will:

- Keep communities informed about what we are doing
- Ensure that decision making is informed, consistent and transparent
- Be committed to continuous improvement

- Ensure that claims about performance are evidence based
- Actively encourage ideas and innovation
- Manage risk
- Monitor, evaluate and review our work to ensure we respond to changing needs and can demonstrate we are making a difference.

### **Valuing and respecting each other**

We will respect and value everyone's contribution.

We will:

- Respect each other's mandates, obligations and independence
- Recognise each other's constraints and commitments
- Build effective working relationships with each other
- Recognise the value of everyone's contribution
- Make accountability real in a constructive way

### **Public interest**

We will act in the interest of the public and demonstrate value.

We will:

- Take a balanced and multi-faceted approach to issues
- Focus on long term as well as short term problems, responses and solutions
- Act in the interests of the public good over individual interests
- Demonstrate to the community how we are achieving publicly valued outcomes
- Carry out our work responsibly, with integrity and in a relevant and appropriate way

### **Building capacity**

We will build capacity in our organisations.

We will:

- Develop skills, knowledge and experience in order to carry out our roles and responsibilities effectively
- Ensure meaningful dialogue through early consultation and actively sharing information, data and analysis
- Tackle difficult and controversial issues

### **Acting ethically**

We will act ethically and with integrity in order to build trust. We will be honest, open and objective and encourage constructive challenge.

We will:

Ensure that our dialogue is open and transparent

- Agree how we will achieve democratic accountability
- Declare conflicts of interest and address them
- Use appropriate and simple language
- Be honest and objective
- Encourage questions and constructive challenges
- Agree a mechanism for whistleblowing

### **Aligning objectives**

We will harness our collective efforts.

We will:

- Allow sufficient time and capacity to be given to understand an issue and to reflect on its impact
- Establish accountability and give each other constructive feedback
- Make sure that actions are clear, time limited and task oriented
- Ensure that agreed actions are carried out
- Build on our comparative advantages and complement each others contributions
- Share a collective understanding of our partnership and promote the values of our partnership

### **Specific Protocols and Procedures**

It will be necessary, over time, to develop and agree additional protocols and procedures to deal with specific issues. This Memorandum provides the framework for doing so. Set out below is a list of the protocols and procedures that we currently believe will be needed but this list is not exhaustive and we anticipate that others may be required in the future.

- Complaints Procedure
- Information Sharing Protocol and Procedure
- Confirmation Hearings Protocol and Procedure

### **Resolving Differences**

Under these arrangements there will inevitably be differences of opinion on certain issues. We will take a positive and constructive approach to resolving these issues in accordance with the arrangements set out in the relevant Protocol or Procedure. Generally, Officers will attempt to resolve an issue in consultation with the Chair of the Panel and the Commissioner before referring the matter to the full Panel.

### **Review**

This Memorandum will be reviewed at the beginning of each new term of office, ie May 2020 or earlier if required.

This Memorandum of Understanding is work in progress. We recognise that these are new and different arrangements and there will be issues to work through and resolve. The quality of our relationship will be

more important than any written agreements. If we invest time and energy in maintaining a good working relationship, together we can make a huge difference. We are committed to doing that in a constructive and positive way, remembering always that our shared priority and the reason why we exist is to serve the people of West Yorkshire by creating safer communities.



**West Yorkshire**

**Police and Crime Panel**

**and**

**Police and Crime Commissioner**

**Protocol and Procedure for Confirmation Hearings**

**(Schedule 1 and 8 of the Police Reform and Social Responsibility Act 2011)**

**January 2017**

## **Introduction**

The Police and Crime Commissioner (the Commissioner) has responsibility for appointing the Chief Constable. The Commissioner must also appoint a Chief Executive and a Chief Finance Officer to support them. The Commissioner may appoint a Deputy Police and Crime Commissioner.

Before making such appointments the Commissioner has to notify the Police and Crime Panel (the Panel) and it must review the senior appointment. The Panel must hold a public Confirmation Hearing prior to making a report to the Commissioner, which includes a recommendation as to whether or not the candidate should be appointed.

This Protocol and Procedure sets out an agreed framework for carrying out our respective duties and responsibilities. It supplements and complements the statutory provisions.

(The Commissioner may also appoint such other staff as they think fit, but this Protocol and Procedure does not apply to those staff).

## **Protocol**

Candidates will be treated with courtesy and respect throughout the whole appointment process, including at the Confirmation Hearing and in public statements relating to recommendations made by the Panel.

The Commissioner and the Panel will ensure that the different stages of the appointment process complement rather than duplicate each other.

The process will be rigorous, challenging and carefully planned.

The focus will be on individuals' capabilities and expertise, their professional competence and personal independence. In order for the Panel to form a view on these issues, it will be important for the Commissioner to provide the Panel with reliable and objective evidence about the candidate.

Professional competence may include a reliable objective assessment of the candidate's:

- ability to carry out the role by comparing their CV with the role profile
- professional judgment and insight
- understanding of the various stakeholders who need to be involved and engaged with, in what way and with what outcome
- experience in the development and delivery of a major strategy

Personal Independence may include a reliable objective assessment of the candidate's:

- ability to advise effectively
- understanding of the separation of political and operational responsibilities
- ability to respond constructively to situations where they might be held to account

Confirmation Hearings will take place as quickly as possible with minimal time between notification of the appointment, the hearing and reports and recommendations being made to the Commissioner. (The Act stipulates that a report and recommendation has to be sent within 3 weeks of the day that the Panel receives notification from the Commissioner.)

The Hearing will be focused and objective, to enable the Panel to come to an informed decision as to whether or not the candidate meets the criteria.

A veto can only be used in relation to a Chief Constable appointment. It will only be used in exceptional circumstances by the Panel if the candidate does not appear to meet the minimum requirements of the post in relation to the individuals' capabilities and expertise, their professional competence or personal independence.

If the Panel is considering using its veto it will notify the Commissioner in advance and the Commissioner and the Panel will meet to agree how the recruitment process might be progressed.

In the event that a veto is used the Commissioner and Panel will meet to agree how the recruitment process can be improved to avoid the situation arising again.

The Commissioner and the Panel will liaise with each other throughout the process. The Commissioner will liaise with the candidate except as provided for in this Protocol and Procedure.

## **Procedure**

### **Advance Notice by the Commissioner**

The Commissioner will give the Panel as much notice as possible of his/her intention to undertake a recruitment process and the anticipated timescales. Where possible, the Panel will be given details of the selection process, eg, application, presentation interview(s) and who will be involved in the process. The Commissioner's Office will keep the Panel informed of progress; this will give the Panel time to organise and plan a Pre-Meeting and a Confirmation Hearing and ensure that an appointment is made as quickly as possible.

### **Formal Notification by the Commissioner**

The Commissioner must formally notify the Panel of the proposed appointment.

At the same time the Commissioner will supply the following information to the Panel:

- the name of the candidate
- the criteria used to assess the suitability of the candidate for the appointment
- why the Commissioner believes this candidate satisfies those criteria
- the terms and conditions on which is proposed that the candidate is to be appointed
- the candidate's CV, any personal statement and references
- confirmation that the candidate meets any statutory requirements and is not disqualified for any reason

The Panel will then write to the candidate advising them of:

- the date of the Confirmation Hearing
- what will happen at the Hearing
- what the Panel will be evaluating and
- how its recommendation and report will be communicated and publicised

The candidate will also be informed that any information provided will be available for public inspection, including references. The candidate or the Commissioner will make sure that the referees are aware of this.

If there is any reason why some or all of the information provided should not be made public, then the Panel must immediately be informed of this. The Panel will then take a decision, under the relevant provisions relating to public access to information, and take the appropriate action.

The Panel will be advised throughout the whole process by the Monitoring Officer and Human Resources support from the host authority.

### **Pre-Meeting of the Panel**

A pre meeting of the Panel will be held in private to go through the key issues and process for the Hearing. The purpose will be to agree questions, identify the minimum standards required for the post and to consider what evidence might be required to demonstrate standards are exceeded.

Where possible, the pre meeting will not take place on the same day as the Confirmation Hearing. It will take place beforehand so that there is time to deal with any issues that may be raised.

If the Panel want to consider additional information obtained from elsewhere then it will seek advice as to whether it would be appropriate and fair to do so.

### **Confirmation Hearing**

The Confirmation Hearing will take place within two weeks of the day that the Panel receives notification from the Commissioner.

It will be held in public and the candidate will be requested to appear for the purpose of answering questions relating to the appointment.

The Confirmation Hearing will be dealt with by the full Panel.

The Panel will:

- welcome the candidate
- introduce those present
- explain the process and key themes

- explain the process for making a report and recommendation to the Commissioner as to whether or not the candidate should be appointed and (in the case of the Chief Constable only) the power to veto
- treat the candidate fairly and politely
- ask appropriate questions
- not make statements
- give the candidate an opportunity to clarify answers or ask questions

### **Report and Recommendation**

The Panel will exclude the press and public to come to a decision on its report and recommendation.

The report and recommendation will be sent to the Commissioner within two working days of the Confirmation Hearing. (It has to be sent within three weeks of the day that the Panel received notification from the Commissioner.)

There are 3 options.

1. Report and recommendation to appoint
2. Report and recommendation not to appoint
3. Report and veto (in the case of the Chief Constable only)
  - An appointment can only be vetoed if two thirds of the Members of the Panel present at the time when the decision is made vote in favour of the veto
  - If a candidate is vetoed they cannot be appointed
  - The Panel must state its reasons for vetoing the appointment
  - The Commissioner may put forward another person as reserve candidate and the process will be followed again from 'Formal Notification by the Commissioner'. In these circumstances the Panel may only issue a report with a recommendation whether or not to appoint.

In the case of the Chief Constable only - if the Panel does not make a report (including a recommendation as to whether or not the candidate should be appointed or veto the candidate) within 3 weeks of the day on which the Panel received the notification from the Commissioner of the proposed appointment, the Commissioner can go ahead and make the appointment.

### **Response by the Commissioner**

The Commissioner will have regard to the report and then notify the Panel whether he/she accepts or rejects the Panel's recommendation within three working days.

If the Commissioner accepts the Panel's recommendation not to appoint a reserve candidate (relates to a Chief Constable only) then he/she can put forward another person as reserve candidate and the process will be followed again from 'Formal Notification by the Commissioner' until a candidate is appointed.

The Commissioner will notify the candidate of the decision.

## **Publication**

The Panel will decide how and when to publish the report and recommendation. The standard procedure will be to publish it on the Panel website. It will be published in full.

The decision will be taken following consultation with the Commissioner and the candidate, and they will be given at least two working days notice of the date of publication.

The report and recommendation will normally be published within five working days of the Commissioner taking a decision whether or not to appoint.

If the Commissioner decides to appoint despite a recommendation from the Panel not to appoint, the Commissioner will also publish the recommendation and the reasons for his/her decision.

If a candidate withdraws after a report and recommendation has been sent to the Commissioner, the report and recommendation will still be published in accordance with the procedure set out above.

If, having regard to the report and recommendations from the Panel, the Commissioner decides not to appoint, the Commissioner will publish details of what he/she is going to do next in relation to the vacancy within five working days.

## **Review**

This Protocol and Procedure will be reviewed at the beginning of each new term of office, ie May 2020 or earlier if required.



Office of the  
**Police & Crime  
Commissioner**  
West Yorkshire

**West Yorkshire**

**Police and Crime Panel**

**and**

**Police and Crime Commissioner**

**Protocol and Procedure for Information Sharing**

**January 2017**

**Introduction**

The Police and Crime Panel (the Panel) has responsibility for constructively challenging and supporting the Police and Crime Commissioner (the Commissioner). In turn the Commissioner has responsibility for holding the Chief Constable to account.

These respective roles can only be exercised efficiently and effectively if the relevant information is available within the statutory governance framework. In addition, an effective, constructive working relationship is more likely to be achieved where communication and clarity of understanding are at their highest. The purpose of this agreement is to set out our understanding of the information that will be shared and the principles we will follow.

## **Information**

### **General Information**

The Commissioner must publish information he/she considers necessary to enable people who live in the area to assess his/her performance and the performance of the Chief Constable.

The Commissioner must provide the Panel with any information it may reasonably require in order to carry out its functions.

However such information does not have to be provided if disclosure

- would, in the view of the Commissioner, fetter, restrict or restrain the Chief Constable's direction and/or control of West Yorkshire Police,
- would, in the view of the Commissioner, be against the interests of national security
- might, in the view of the Commissioner, jeopardise the safety of any person,
- might, in the view of the Commissioner, prejudice the prevention or detection of a crime, the apprehension or prosecution of offenders, or the administration of justice or
- is prohibited by or under any enactment or
- is precluded by or under a contractual obligation upon the Commissioner.

The Commissioner may provide the Panel with any other information he/she thinks is appropriate.

The Panel may require the Commissioner (or a member of his/her staff) to attend a Panel meeting to answer any questions to enable it to carry out its functions. The Panel may request the Chief Constable to attend for the same purpose.

Any information shared may only be used by the Panel for the purposes of the effective exercise of the Panel's functions (as legally defined) or as otherwise required by, or under, any rule of law.

### **Precept**

The Commissioner must notify the Panel of the precept he/she is proposing by 1st February.

The Panel must review the proposed precept and make a report to the Commissioner with any recommendations. Alternatively, the Panel may veto the precept.

In both cases the legislation sets down the procedure to be followed including extremely tight timescales to get to a position where the precept can be issued in time for the new financial year.

### **Police and Crime Plan**

The Commissioner must issue a Police and Crime Plan.

Before issuing or varying a Plan the Commissioner must send a draft to the Panel and have regard to any report or recommendations made by the Panel.

The Commissioner must respond to any such report or recommendation and publish this response.

### **Annual Report**

The Commissioner must produce an Annual Report and send it to the Panel. The Annual Report must detail progress against the Police and Crime Plan in a meaningful way so as to support effective scrutiny of the impact made by the Commissioner.

The Commissioner must attend a Panel meeting to present the Report and answer questions.

The Panel has to review the Annual Report and make a report or recommendations for the Commissioner to consider.

### **Regular Reports**

The Panel will ask the Commissioner for various reports to enable it to assess and monitor the performance of the Commissioner.

The Panel will then raise any concerns or make appropriate suggestions to the Commissioner according to the information that has been provided.

### **Other Specified Reports**

There are other procedures e.g. in relation to the appointment of senior officers which include specific information sharing and reporting requirements.

### **Publication of Reports or Recommendations**

It is for the Panel to decide how to publish reports or recommendations but they must be sent to the Commissioner and the relevant local authorities for the area.

### **Principles**

The Commissioner is responsible for the totality of policing in West Yorkshire and is held to account by the electorate.

The Chief Constable is held to account by the Commissioner.

The Panel is responsible for scrutinising the Commissioner, promoting openness in the transaction of police business and also supporting the Commissioner in the effective exercise of their functions.

The principles of goodwill, professionalism, openness and trust between all the parties will underpin the relationship regarding information sharing.

The Commissioner and the Panel will comply with both the letter and spirit of any statutory requirements or guidance, this Protocol and Procedure and any specific requirements in other protocols and procedures that have been agreed.

High quality information will be provided to the Panel which is accurate, timely, relevant and understandable and in sufficient detail so as to enable the Panel to fulfil its responsibilities effectively and efficiently.

Any decision not to provide information will be kept under review with the aim of sharing that information at the earliest opportunity.

The Commissioner will encourage the Chief Constable to provide information requested by the Panel directly to it.

The Commissioner will ask the Chief Constable to attend a meeting of the Panel to assist it to consider any matter where this would be helpful to the Panel.

The Panel and the Commissioner regard statutory timescales as the bare minimum and will always aim to improve on them wherever it is in the interests of the communities of West Yorkshire to do so, especially in relation to the setting of the precept.

A Member of the Panel will usually be invited by the Commissioner to be involved in the development of significant plans and proposals so that the Panel has an opportunity to contribute at an early stage.

## **Reports**

In addition to statutory reports, the Commissioner will provide regular reports (usually quarterly unless agreed otherwise) to the Panel to enable it to carry out its functions including:

- Police and Crime Plan
- Performance Against the Police and Crime Plan
- OPCC/ Force Budget
- Update on work with Criminal Justice Agencies
- Regional/ National Collaboration and Capability Report
- Report of the Independent Audit Committee
- Approach to Consultation and Public Engagement

The Panel and the Commissioner will agree a forward plan of regular reports, with timescales

for submission and will review and refresh the plan on a regular basis. The Panel Officer and Commissioner's offices will consult and agree regular items that will form part of a planned rolling programme working, where possible, 6 months in advance.

The Commissioner will provide one off reports to the Panel, in addition to statutory reports including:

- Consultation reports on significant proposals in terms of spend or service changes
- Topical updates
- Results and Impact of HMIC Inspections
- Significant interest cases e.g. a high profile arrest
- Critical incidents e.g. major flooding
- The Panel will, wherever possible, give the Commissioner at least 20 working days' notice of a request for such a report.

## **Timescales**

Reports from the Commissioner to meetings of the Panel will, wherever possible, be provided 12 working days before the date of the meeting so that there is time to;

Prepare a covering report, if necessary, highlighting key issues, any areas of concern and recommendations relating to further questioning/investigation and  
Meet access to information requirements

At a minimum, reports must be provided no later than 7 working days before the date of the meeting.

It is in the interests of all concerned to share information on the budget setting process earlier than required by law. Initial information about proposals will therefore be shared with the Panel by the Commissioner from November, prior to formal notification in February.

When the Commissioner has to consult with the Panel (for example in relation to the draft Police and Crime Plan) the Commissioner will, if possible, give the Panel at least 20 working days-notice of any proposal so that the Panel can carry out their responsibilities effectively.

Where the Commissioner is considering significant proposals, for example, in terms of spend or service changes, the Commissioner will consult with the Panel in advance so that the Panel can contribute and assess the impact of the proposal before a final decision is taken.

Where a sensitive issue is being considered, for example regarding the suspension/removal of a senior officer, the Commissioner will alert the Chair of the Panel in advance of a decision being taken, and as soon as is practicably possible, so the Panel can contribute to the final decision and prepare for any questions from the public or the media.

Where a member of the Panel requests information from the Commissioner then the following timescales will, wherever possible, apply:

Low priority                      within an agreed timescale

|                 |                        |
|-----------------|------------------------|
| Medium priority | within 20 working days |
| High priority   | within 5 working days  |

## **Specific Procedures**

### **Freedom of Information Requests**

Decisions on FOI requests will be taken under Wakefield Council procedures as host authority.

Any request for information that is not held by the Panel will be referred to the appropriate body where possible.

If a request is made to the Commissioner, the Chief Constable and the Panel, consultation will take place before disclosure is made to ensure the appropriate body makes the response and the person making the request receives a comprehensive reply.

If the Panel hold information from the Commissioner or Chief Constable but it is information for which the Panel has responsibility under FOI then the Commissioner and/or Chief Constable will be consulted before a disclosure decision is reached. Both the Commissioner and the Chief Constable will apply the same process if they are in a similar position. However, the final decision rests with the party that is responsible for the information under FOI.

### **Confidentiality**

If information is provided by one party to another on a confidential basis – it will be clearly marked ‘Confidential’ and an explanation given as to why it is confidential.

No information marked ‘Confidential’ will be released to any third party without the permission of the owning body unless required by law to do so.

### **Disputes**

Officers will try and resolve any disputes regarding information sharing in the first instance. If the matter cannot be resolved in this way it may be referred to the Chair of the Panel and the Commissioner to resolve. In the event that this approach fails to resolve the matter, it may be referred to full Panel or the Information Commissioner.

### **Review**

This Protocol and Procedure will be reviewed at the beginning of each new term of office, ie May 2020 or earlier if required.



Office of the  
**Police & Crime  
Commissioner**  
West Yorkshire

**West Yorkshire**

**Police and Crime Panel**

**and**

**Police and Crime Commissioner**

**Complaints Protocol**

**January 2017**

## **Introduction**

The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 (the Regulations) set out the functions of the Police and Crime Panel (the Panel) and the Independent Police Complaints Commission (IPCC) in relation to the handling of complaints, and other matters concerning the conduct of the Police and Crime Commissioner or their Deputy (the Commissioner/Deputy).

Essentially complaints alleging criminal conduct and all conduct matters (those matters which indicate criminal conduct may have occurred) have to be referred to the IPCC and investigated by the IPCC itself or a police force under the management of the IPCC. Any other complaints are to be handled by the Panel.

When a new complaint is received by the Panel, the Commissioner, the IPCC or the Chief Constable it has to be recorded by the relevant Panel unless it is already being dealt with through criminal proceedings.

The Panel may delegate all or any of the powers and duties it has under the Regulations, except the duties under Part 4 (resolution of other complaints), to the Chief Executive for the Commissioner (as long as the Chief Executive is not also the Commissioner/Deputy).

In a complicated service environment, it is important to try and reduce confusion for the public about how complaints will be dealt with, and by whom and have clarity about the respective roles and responsibilities of organisations.

This Protocol sets out a framework for handling complaints.

## **General Principles**

### **High Standards**

We are committed to high standards in the management of complaints in the interests of providing a responsive and effective service for complainants.

### **Early Resolution**

The Commissioner will always seek early resolution of a concern raised with him/her if possible.

### **Staff training**

We will train our staff dealing with complaints, so that they understand the procedures and have the right skills to resolve problems quickly, and so that the consideration of complaints is rigorous and evidence-based with clear, well-explained decisions.

### **Evidence**

The Commissioner and the Panel have a duty to obtain and preserve the evidence and will ensure that all staff are fully aware of this responsibility.

### **Publicity and Communications**

The complaints arrangements for the Commissioner and the Police will be publicised to ensure public and staff awareness.

### **Conflict of Interest**

If a person involved, or asked to be involved in handling a complaint has, or may be considered to have, a conflict of interest – they must immediately inform the Monitoring Officer for Wakefield Council. The Monitoring Officer will then make alternative arrangements for handling the complaint.

### **Liaison and Assistance**

Regular and effective liaison and communication will take place between our respective staff. Assistance will be provided as necessary, or required, to ensure the effective handling and monitoring of complaints.

### **Learning from Complaints**

We are strongly committed to learn from complaints to improve what we do.

Taking positive steps to identify communication, procedural, operational or strategic issues are vital in ensuring a relevant and positive service.

To achieve this aim, we will together undertake a review of complaints including consideration of action taken and improvements in practices. As a minimum these will take place on a quarterly basis.

### **Data Protection**

Nothing in this Protocol removes the obligation to ensure that information is protected in line with relevant legislation and consent will usually be required to share information.

Appropriate safeguards will be put in place in relation to sensitive and/or confidential information.

Information shared under this protocol will only be used for the purpose for which it was obtained.

### **Procedure**

The Panel has given the Chief Executive of Wakefield Council, as host authority, full delegated powers to exercise the powers and duties of the Panel under The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 and to put in place such arrangements as she sees fit to handle and monitor complaints about the Commissioner/Deputy.

In exercise of those powers the Chief Executive has given the Police and Crime Panel officers overall responsibility for the complaints process. They will oversee and manage the process on a day to day basis and prepare monitoring reports for the Panel.

They are authorised to undertake the initial assessment of complaints and all administrative functions in relation to complaints.

They have full delegated powers to exercise the powers and duties under the regulations to enable them to carry out this role, except a decision to;

- refer a matter to the IPCC
- take no action in relation to the complaint or
- refer the matter for Informal Resolution

Such decisions may not be made except in consultation with the Monitoring Officer for Wakefield Council.

The Chief Executive for the Commissioner is also authorised to undertake the initial assessment of complaints on behalf of the Chief Executive of Wakefield Council and give advice on the appropriate action to be taken.

Informal Resolution (or such other action to try and resolve a complaint as thought fit) will be undertaken initially by the Police and Crime Panel officers then the Complaints Sub Panel or a person authorised by the Sub Panel.

A matter may always be referred at any stage to the Complaints Sub Panel or the full Police and Crime Panel for a decision if appropriate.

## **Review**

This Protocol and Procedure will be reviewed at the beginning of each new term of office, ie May 2020 or earlier if required.

**Meeting dates for the Humberside, South Yorkshire and West Yorkshire Panels**

**Humberside**

16 July 2018 - 1:00 pm – Humber Bridge Board Offices, Hessle  
20 September 2018 - 2:00 pm - Humber Bridge Board Offices, Hessle  
19 November 2018 - 2:00 pm - Humber Bridge Board Offices, Hessle  
6 February 2019 - 2:00 pm - Humber Bridge Board Offices, Hessle

**South Yorkshire**

2nd July 2018 – 1pm – Barnsley Town Hall  
3rd September 2018 – 1pm - Barnsley Town Hall  
3rd December 2018 – 1pm - Barnsley Town Hall  
4th Feb 2019 – 1pm - Barnsley Town Hall  
1st April 2019 – 1pm - Barnsley Town Hall

**West Yorkshire**

13 July 2018 – 10am – Town Hall, Wakefield  
14 September 2018 – 10am – Carr Gate (Force premises)  
9 November 2018 – 10am – Town Hall, Wakefield  
14 December 2018 – 10am – Town Hall, Wakefield.