

Report to: The West Midlands Police and Crime Panel

Report of: The Secretary of the West Midland Police and Crime Panel

Date: 29th October 2012

Building Relationships Development of Draft Protocol between WMPCP and the Police and Crime Commissioner

1. Introduction

The purpose of this report is to:

- note the need for a protocol between the Police and Crime Commissioner and the Police and Crime Panel,
- share the work undertaken to date,
- enable opportunity for panel members to advise on areas which should be covered or areas which do not need to be included; and
- request that further work be undertaken by the secretariat once the Police and Crime Commissioner is in office.

2. Background

The Panel has the responsibility to both scrutinise and support the Police and Crime Commissioner. These functions can be better exercised if there has been discussion and agreement relating to roles, procedures and expectations, relating to how the bodies will work together.

3. Recommendations

To note the draft protocol

To request that consultation is carried out with the PCC with regards to shared objectives and procedural issues

To request the Secretariat to bring a further report to a future panel meeting.

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Draft

Protocol between the West Midlands Police and Crime Panel and the Police and Crime Commissioner

1. Introduction

The Police Reform and Social Responsibility Act 2011 brings in new structural arrangements for strategic police decision making, neighbourhood policing and policing accountability. Principal among these changes is the election of the Police and Crime Commissioner (PCC) and the appointment of the West Midlands Police and Crime Panel (PCP). The PCC is responsible for an effective and efficient police service setting the strategic direction and holding the Chief Constable to account. The role of the PCP must be exercised with a view to supporting the effective functions of the PCC.

The Police and Crime Panel will hold the Police and Crime Commissioner to account. In turn the will

Our work is being 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 supporting each other in the delivery of shared and individual responsibilities.

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

This protocol is a statement of our commitment to build and nurture an effective relationship based on the principles set out in this agreement.

2. Purpose

This protocol sets out the respective functions of the Police and Crime Panel and the Police and Crime Commissioner and an agreed set of principles and processes to ensure effective working to improve services for the citizens of the West Midlands. They are at this stage not intended to be tablets of stone, but to set out expectations and it will be updated on an annual basis.

It also provides a framework for the development and agreement of additional protocols/procedures to deal with specific issues.

We will use the protocol as a means of:

- promoting and encouraging appropriate values and behaviours in working together;
- ensuring we can satisfy our statutory roles and duties; and
- reviewing progress.

3. Roles

The Home Office has issued a Policing Protocol in accordance with the Act which sets out the key functions of key stakeholders in order to encourage, maintain and improve working relationships. PCCs, chief officers of police and PCP must have regard to the Policing Protocol in exercising their functions. However, the Act

remains the main document to which reference should be made. The key roles for the PCC and PCP are noted below.

Police and Crime Commissioner

The PCC has the legal power and duty to:

- (a) set the strategic direction and objectives of the force through the Police and Crime Plan (the Plan), which must have regard to the Strategic Policing Requirement set by the Home Secretary;
- (b) scrutinise, support and challenge the overall performance of the force including against the priorities agreed within the Plan;
- (c) hold the Chief Constable to account for the performance of the force's officers and staff;
- (d) decide the budget, allocating assets and funds to the Chief Constable; and set the precept for the force area;
- (e) appoint the Chief Constable;
- (f) remove the Chief Constable subject to following the process set out in Part 2 of Schedule 8 to the 2011 Act and regulations made under section 50 of the Police Act 1996(a);
- (g) maintain an efficient and effective police force for the police area;
- (h) enter into collaboration agreements with other PCCs, other policing bodies and partners that improve the efficiency or effectiveness of policing for one or more policing bodies or police forces in consultation with the Chief Constable (where this relates to the functions of the police force, then it must be with the agreement of the Chief Constable);
- (i) provide the local link between the police and communities, working to translate the legitimate desires and aspirations of the public into action;
- (j) hold the Chief Constable to account for the exercise of the functions of the office of Chief Constable and the functions of the persons under the direction and control of the Chief Constable;
- (k) publish information specified by the Secretary of State and information that the PCC considers necessary to enable the people who live in the force area to assess the performance of the PCC and Chief Constable;
- (l) comply with all reasonable formal requests from the Police and Crime Panel to attend their meetings;
- (m) prepare and issue an annual report to the Police and Crime Panel on the PCC's delivery against the objectives set within the Plan;
- (n) monitor all complaints made against officers and staff, whilst having responsibility for complaints against the Chief Constable.

In addition, the PCC must not fetter the operational independence of the police force and the Chief Constable who leads it.

The PCC has wider responsibilities than those relating solely to the police force, namely:

- (a) a specific responsibility for the delivery of community safety and crime reduction;
- (b) the ability to bring together Community Safety Partnerships at the force level;
- (c) the ability to make crime and disorder reduction grants within their force area;
- (d) a duty to ensure that all collaboration agreements with other PCCs and forces deliver better value for money or enhance the effectiveness of policing capabilities and resilience; and
- (e) a wider responsibility for the enhancement of the delivery of criminal justice in their area.

Police and Crime Panel

The Panel has a duty to both challenge the PCC, and support the effective exercise of the PCC's functions. It has the following specific powers:

- (a) the power of veto by a two-thirds majority of the total Panel membership, over the level of the PCC's proposed precept;
- (b) the power of veto by a two-thirds majority of the total Panel membership, over the PCC's proposed candidate for Chief Constable;
- (c) the power to ask Her Majesty's Inspector's of Constabulary (HMIC) for a professional view when the PCC intends to dismiss a Chief Constable;
- (d) the power to review the draft Police and Crime Plan and make recommendations to the PCC who must have regard to them;
- (e) the power to review the PCC's Annual Report and make reports and recommendations at a public meeting, which the PCC must attend;
- (f) the power to require relevant reports and information in the PCC's possession (except those which are operationally sensitive) to enable it to fulfil its statutory obligations;
- (g) the power to require the PCC to attend the Panel to answer questions;
- (h) the power to appoint an acting Police and Crime Commissioner where the incumbent PCC is incapacitated, resigns or is disqualified; and
- (i) responsibility for complaints about a PCC and DPCC, although serious complaints and conduct matters must be passed to the IPCC in line with legislation.

The Panel can also request members of the PCC's staff to attend meetings to answer questions.

The Panel intends to exercise scrutiny, once decisions have been taken, and would wish to add value to the decision making process through engagement with the PCC in advance of decision making.

4. Principles of working together

Our principles for successful working

The challenge and support of the PCC in the West Midlands will be most successful if all the organisations involved co-operate and develop mutual respect and trust and a shared understanding of what needs to be achieved.

The Policing Protocol sets out an expectation that "the principles of goodwill, professionalism, openness and trust will underpin the relationship between them and all parties will do their utmost to make the relationship work."

Shared objectives

Our shared objective is to tackle local crime and disorder, creating safer communities throughout all of the West Midlands and increasing public confidence.

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 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 joint working is *trust*, 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 joint 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

Priorities are evidence based and decision making transparent. Effective action is reality based and solution focussed.

We will:

- 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

Respect and value everyone's contribution.

We will:

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

Public interest

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

To build capacity.

We will:

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

Acting ethically

Act ethically with integrity and build trust. 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

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 aims, roles and values.

5. Procedural Issues

Further areas to be developed within the protocol setting out clear procedures for working together are:

6. Meeting Schedule and Work Programme

7. Attendance at Panel Meetings

7. Providing Information to the Panel

8. Decision Making, Making Reports and Recommendations

Reports of the PCC

Reports of the PCP

Recommendations

Reviews

9. Annual work programme items

Precept

Police and Crime Plan

Annual Report to Panel

10. Appointments & Suspensions

For an acting PCC

Recruiting Chief Constable

Confirmatory Hearings

Removal of Chief Constable

11. Complaints

The procedures for managing complaints are to be set out in a separate agreement.

12. Community Engagement, Consultation and Publicity

13. Managing this protocol

Resolving disputes about the Protocol

Annual process to enable updating

Development of further specific protocols and procedures