



Friday December 14th 2012

Old Court Room, Wakefield Town Hall

Draft Memorandum of Understanding

Item 11

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1. Purpose

1.1 The purpose of this report is to:

- Provide the Panel and the Commissioner with the latest version of the 'Draft Memorandum of Understanding' and its constituent protocols for discussion and potential endorsement.

2. Background and Context

- 2.1 The Police Reform and Social Responsibility Act 2011 clearly stipulates the legal framework within which the Commissioner and the Panel must operate. However, it is for each Police Force Area to determine what local arrangements, if any, need to be put in place to supplement these statutory powers and/or to safeguard against their inappropriate use.
- 2.2 At the Shadow Panel Meeting on September 7th 2012, it was agreed that a 'Memorandum of Understanding' between the Panel and the Commissioner would provide an opportunity to confirm the roles and responsibilities of both parties, as laid out in statute, as well as clarify a wide range of additional expectations to support a positive and constructive relationship going forwards.
- 2.3 On that basis, a series of draft 'protocols' were developed, in conjunction with the then Police Authority, for discussion with the Panel at their meeting on October 19th. Enclosed within this report are the latest iterations of these protocols, all of which have been amended to reflect the comments made at that meeting.
- 2.4 Before these documents can be finalised, it is imperative that the Commissioner is provided with an opportunity to shape and influence their content. The overarching 'Memorandum of Understanding' and the constituent protocols must be owned by both parties if they are to achieve the objectives articulated at 2.2
- 2.5 All of the enclosed documents will be kept under review and can be revisited at any time subject to the release of additional guidance or a request from the Panel/ Office of the Police and Crime Commissioner.

3. Recommendation

- 3.1 The Panel and Police and Crime Commissioner are asked to consider the attached protocols with a view to endorsing a final version of the 'Memorandum of Understanding' in the New Year.



West Yorkshire

Police and Crime Panel

and

Police and Crime Commissioner

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Memorandum of Understanding

November 2012

Introduction

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

The work of the Commissioner and the Panel 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 support 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 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, 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 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**. 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:

- 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
- 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

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 any new 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 in September 2015 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

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Protocol and Procedure for Confirmation Hearings

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

November 2012

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. The Panel will be given details of the selection process, e.g. application, presentation, interview(s) and who will be involved in the process. The Panel will also be given details of the job description, role profile and competencies, necessary experience and person specification. 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 it 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.

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 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.

The Commissioner will give reasons for his/her decision.

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 in September 2015 or earlier if required.



West Yorkshire

Police and Crime Panel

and

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Protocol and Procedure for Information Sharing

November 2012

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 Chief Constable, be against the interests of national security
- might, in the view of the Chief Constable, jeopardise the safety of any person,
- might, in the view of the Chief Constable, 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

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.

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:

- Local Policing Report
- Emerging 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, for a period of twelve months and will review and refresh the plan on a regular basis.

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

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 in September 2015 or earlier if required.



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

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Complaints Protocol

November 2012

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 officers within AWYA 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 officers within AWYA then the Standards and Complaints Sub Panel or a person authorised by the Sub Panel.

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

Review

This Protocol and Procedure will be reviewed in September 2015 or earlier if required.