**Friday October 19th, 2012**

**Liz Bashforth**

**07899 663730**

**Item 7**

**Old Court Room, Wakefield Town Hall**

**Draft Partnership Agreement**

1. **Purpose**

1.1 The purpose of this report is to:

* Inform members of the progress made on the ‘Partnership Agreement’ including the specific supporting protocols and procedures outlined in the report endorsed by members on 7th September 2012.
* Seek initial feedback on the draft ‘Partnership Agreement’ and draft protocols and procedures attached to this report.
* Obtain the Panel’s views on the questions set out in this report.
* Secure the Panel’s formal endorsement of the proposed next steps.
1. **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 supplementthese statutory powers and/orto safeguard against their inappropriate use.

* 1. The draft documents attached to this report, when approved by the Panel, will form the basis for discussion with the Commissioner. Some of the documents will need to be agreed by both parties, others will only need the formal approval of the Panel but in the interests of good working relationships and a collaborative approach it would be helpful to have the input of the Commissioner on all the documents before they are finalised.
	2. All the documents referred to in this report will be kept under review. Guidance may be issued by the Secretary of State, the IPCC or others so any arrangements put in place will have to be reviewed having regard to such guidance as well as experience over a period of time.
1. **Partnership Agreement/Memorandum of Understanding (Appendix 1)**

**Summary**

3.1 The draft Partnership Agreement/Memorandum of Understandingis a statement of

 commitment to build and nurture an effective partnership based on shared objectives and principles. The agreement sets out broad principles and processes and provides a framework to agree specific protocols and procedures. The agreement is to be used to promote the Panel and the Commissioner and to review progress.

3.2 It sets out the statutory roles and responsibilities of the Panel and the Commissioner and the shared overall objectives of tackling local crime and disorder and creating safer communities throughout all of West Yorkshire and, in doing so, the Panel supporting the effective exercise of the functions of the Commissioner. It also sets out some shared values and behaviours which, under the agreement, would be regarded as critical to successful partnership working and developing trust.

**Questions for the Panel**

3.3 Do the Panel prefer the term Partnership Agreement or Memorandum of Understanding?

3.4 Does the Panel want to make any amendments to the draft or does it agree the draft overall, but particularly the shared objectives and shared values and behaviours, for discussion with the Commissioner?

1. **Complaints (Appendix 2)**

**Summary**

* 1. The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 (the Regulations) set out the functions of the Panel and the Independent Police Complaints Commission (IPCC) in relation to the recording and handling of complaints about the conduct of the Commissioner or their Deputy.
	2. Essentially complaints alleging criminal conduct, or which indicate criminal conduct may have occurred, have to be referred to the IPCC. Any other complaints are to be handled by the Panel through Informal Resolution or in certain circumstances, as it sees fit. Informal resolution means - encouraging, facilitating or otherwise assisting in, the resolution of the complaint other than through legal proceedings.
	3. It is envisaged that the following documents will be needed:

 a simplified complaints leaflet for the public - explaining what can be handled and what can't (and who else to go to as appropriate), the procedure, timescales etc including a form

a more detailed complaints protocol (for internal use) -as to who is going to do what not only in terms of handling the complaint but in terms of recording. The regulations set out what has to be recorded and how, who needs to be notified etc.

a checklist for staff - what to do when a complaint comes in - from a member of the public, or through the IPCC, the Chief Constable etc.

 Drafts of the above documents (except the checklist) are attached at Appendix 2.

* 1. A policy for dealing with vexatious complaints should also be agreed as well as the procedure to be followed if the Commissioner/Deputy is called to a meeting to answer questions and make representations.
	2. The general role of the IPCC is to make sure suitable arrangements are in place to handle and record complaints and to investigate, or otherwise handle and deal with complaints alleging actual or potentially criminal behaviour. The IPCC also has a key statutory responsibility to ensure public confidence in the arrangements for dealing with complaints.
	3. The Panel have a duty to keep itself informed about complaints relating to the Commissioner/Deputy and its role and responsibilities generally under the Regulations. It must provide the IPCC with such assistance and co-operation as is required.
	4. 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
	5. If a complaint is being handled by the Panel and it decides that the complaint should not be dealt with by Informal Resolution (Part 4) or that no action should be taken, the Panel may handle the complaint in whatever way it sees fit.
	6. The Panel can decide to take no action in certain circumstances. In summary these are where the complaint is an employment issue, it is more than 12 month old, the matter is already the subject of a complaint, it is anonymous, vexatious, oppressive or an abuse of the procedures or repetitious.
	7. The Commissioner/Deputy must notify the Panel of any allegation, investigation or proceedings in relation to their conduct outside England and Wales. In such circumstances the Panel can handle the matter in whatever manner it thinks fit.
	8. Informal Resolution (Part 4)

 Informal resolution may be dealt with by the Panel itself, a sub panel, a single member of the Panel or another person (which can’t be the Commissioner/Deputy) appointed by the Panel. If anyone other than the full Panel is determining the complaint, provision may be made to refer a complaint back to the full Panel.

 The Commissioner/Deputy complained against can be required to provide information and documents and attend a meeting to answer questions or give evidence (subject to any other rules governing the provision of information).

 If they choose not to comment, this has to be recorded.

 The Panel cannot offer an apology for the Commissioner/Deputy’s conduct unless he/she has admitted the conduct in question and agreed to the apology.

* 1. Full records have to be kept by the Panel of everything it does under the Regulations.

**Questions**

* 1. It is proposed that there should be 3 members appointed to the Standards and Complaints Sub Panel (1 Labour, 1Conservative and 1 Independent) and nominations are sought at this meeting.
	2. Does the Panel want to make any amendments to the draft documents attached or does it agree the drafts for discussion with the Commissioner?
	3. Specifically, does the Panel agree the proposed response times set out in the Complaints Procedure? ( a copy of the record of a complaint within 10 working days and normally a response to the complaint within 10 working days of the complaint being recorded, with a date for a meeting (if it is required) agreed within that time (although the meeting itself may take place outside that timescale))
	4. Does the Panel agree the proposals for who is responsible for the overall management of the system and the proposed delegations for initial assessment of complaints and determination of complaints for discussion with the Commissioner?

 It is proposed that the Chief Executive of Wakefield Council (as host authority) be given 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 thinks fit to handle and monitor complaints about the Commissioner or his/her Deputy.

 It is envisaged that:

 Officers within AWYA will be given responsibility to oversee and manage the process on a day to day basis and prepare monitoring reports for the Panel.

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

 The Chief Executive for the Commissioner will also be authorised to undertake the initial assessment of complaints on behalf of the Chief Executive of Wakefield Council.

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

 A matter may be referred at any stage to the Standards and Complaint Sub Panel for a decision if appropriate.

* 1. It is recommended that the Standards and Complaints Panel receive regular reports (quarterly) on the implementation of the Complaints Procedure and a summary of the complaints received and how they have been handled. Does the Panel agree?
	2. Are there any other checks and balances the Panel would like to have in place to ensure complaints are handled appropriately?
1. **Information Sharing (Appendix 3)**

**Summary**

5.1 An effective, constructive working relationship is more likely to be achieved where communication and clarity of understanding are at their highest. The draft information sharing protocol attached sets out details of the information that will be shared, the target timescales to be achieved and the general principles that will be followed.

* 1. Key principles are:
* goodwill, professionalism, openness and trust
* an aim to improve on statutory timescales
* early warning of serious/sensitive issues
* consultation on major proposals in advance of a decision being made

**Questions**

5.3 Does the Panel want to make any amendments to the draft or does it agree the draft for discussion with the Commissioner?

1. **Confirmation Hearings (Appendix 4)**

**Summary**

* 1. A Confirmation Hearing has to take place before the Commissioner appoints a Chief Constable, Chief Executive, Chief Financial Officer or Deputy Police and Crime Commissioner. Following a Hearing the Panel make a report and recommendation as to whether or not the candidate should be appointed. The Commissioner has to have regard to this report and recommendation.
	2. In relation to the appointment of a Chief Constable, the Panel may, in very exceptional circumstances, veto the appointment once. If that happens the candidate cannot be appointed and the Commissioner can put forward a substitute candidate for consideration.
	3. A draft Protocol and Procedure is attached for consideration. This sets out how the Panel and Commissioner will work together to ensure that the different stages of the appointment process are rigorous, challenging and carefully planned to complement each other.
	4. The key points in the draft procedure are:
* Advance Notice by the Commissioner – to give the Panel as much notice of the process as possible so that meetings can be planned in
* Formal Notification by the Commissioner – to provide the Panel with statutory information and agreed additional information about the candidate
* Pre Meeting of the Panel – to identify the minimum standards required for the post, the evidence required and agree questions
* Confirmation Hearing – a meeting of the full Panel, held in public, at which the candidate will be asked questions
* Report and Recommendation – the Panel have to make a report to the Commissioner including a recommendation as to whether or not the candidate should be appointed which will be published on the Panel website.
* Response by the Commissioner – it is proposed that the Commissioner gives reasons for accepting or rejecting the Panel’s recommendation
* Publication – the Panel will publish the report on it’s website, following consultation with the Commissioner and the candidate, and after allowing enough time for the parties to consider their position

**Question**

6.5 Does the Panel want to make any amendments to the draft Protocol and Procedure or do they agree the draft overall for discussion with the Commissioner?

**7. Whistleblowing**

**Summary**

* 1. The purpose of the Public Interest Disclosure Act 1998 is to encourage;
* staff to make any protected disclosures (e.g. concerns about the lawfulness of any action/inaction) internally to the relevant employer and
* employers to establish effective whistleblowing procedures

7.2 The West Yorkshire Police Authority and Chief Constable have in place a Whistleblowing Procedure which applies to police officers, police civilian staff and other Police Authority employees.

7.3 Protection is given to officers and staff who make disclosures, in accordance with certain conditions, relating to criminal offences, failing to comply with a legal obligation, a miscarriage of justice, endangering the health or safety of an individual, damaging the environment or deliberately concealing information about one of the above issues.

7.4 It is vital to public confidence and proper governance that the Commissioner and Chief Constable continue to have an effective whistleblowing procedure to encourage officers and staff to report issues to them. They will then decide whether a matter needs to be referred to another body (for example the IPCC) or to the Panel to record and handle in accordance with the appropriate procedure. However it is possible that, in exceptional circumstances, protected disclosures may be made directly to the Panel; they may also be made directly to the IPCC which is a ‘prescribed body’ to receive complaints under the relevant legislation.

7.5 If a protected disclosure is made directly to the Panel it is proposed that the complaints protocol incorporates the following principles:

* + the whistleblower should be encouraged to report internally or give reasons why this is impracticable/inappropriate
	+ liaison will take place with the IPCC (as the issue is likely to allege criminal conduct, or indicate criminal conduct may have occurred) and the whistleblower will be advised that
		- they should report direct to the IPCC or
		- the complaint will be handled by the Panel through the normal complaints procedure (which may require referral to the IPCC in any event)
	+ the provisions for preserving evidence, keeping the identity of the complainant or of any other person anonymous or not supplying the person complained about with a copy of the complaint and maintaining confidentiality will be highlighted

**Questions**

7.6 Does the Panel want to scrutinise the whistleblowing procedure that is put in place by the Commissioner, at an appropriate time, to ensure it is effective?

7.7 Does the Panel agree to the principles set out in paragraph 7.4 being incorporated into the draft complaints protocol?

**8. Role of the Monitoring Officer and Chief Financial Officer (s151 Officer) (Appendix 5)**

**Summary**

* 1. As Wakefield Council is the host Authority for the West Yorkshire Police and Crime Panel, the Monitoring Officer and Chief Financial Officer for Wakefield Council will undertake these statutory roles for the Panel. The Monitoring Officer is responsible for legal, governance and probity issues. The Chief Financial Officer (s151 Officer) is responsible for financial issues.
	2. The draft Protocol attached sets out the key responsibilities of these posts and proposed working arrangements. The purpose of the Protocol is to support the statutory officers in carrying out their roles effectively. It is based on a Protocol which has been adopted by many Councils.
	3. The key points in the Protocol are about:
* Sharing concerns
* Advance notice of any issues
* The right to attend meetings and be heard
* Access to information
* Developing a close working relationship with the Panel
* Developing effective working liaison and relationships with the Police and Crime Commissioner (and their Deputy), the Chief Constable, the IPCC and the Local Government Ombudsman.

**Question**

8.4 Does the Panel approve the draft Protocol or does it require any changes?

**9. Governance**

**Update**

9.1 Discussions will take place with the Commissioner about Panel member involvement in committees/panels set up by the Commissioner. At the moment the draft Protocol and Procedure on Information Sharing includes provision for a member of the Panel to be involved in proposals and discussions at an early stage but the involvement of Panel members in formal committees/panels will be discussed further.

**10. Principles for Engagement with other Stakeholders**

**Update**

10.1 A document entitled ‘Principles for Engagement’ will be circulated shortly for information.

**11. Next Steps**

* 1. The draft documentation will continue to be developed with the West Yorkshire Police Authority and others, having regard to advice and guidance issued and any comments made by the Panel.
	2. Additional protocols, procedures and supporting documentation will be developed, as required, to support the practical application of the draft documentation attached to this report.

**12. Recommendations**

12.1 The Panel is asked to:

* Give initial feedback on the draft ‘Partnership Agreement’ and draft protocols and procedures attached to this report.
* Confirm the Panel’s views on the questions set out in this report.
* Authorise the Service Director, Legal and Governance to make any amendments to the documents that are required to give effect to any regulations or guidance issued or to make administrative amendments. Any amendments will be reported back to the Panel as she determines is appropriate.
* Agree the Panel’s formal endorsement of the proposed next steps.

**Memorandum of Understanding/Partnership Agreement**

 Appendix 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 (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.

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 West Yorkshire.

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

Purpose

The Agreement sets out the broad principles and processes which will guide our 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 Agreement 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
* 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 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 complaints about 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 and increasing public confidence.

Community safety is the protection of everyone’s right to live without fear for their own or other peoples 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**

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**

Build capacity in our partnership.

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 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 partnership agreement provides the framework for doing this. 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.

Panel Rules of Procedure and Protocols

Complaints Procedure

Information Sharing Protocol and Procedure

Confirmation Hearings Protocol and Procedure

Whistleblowing Procedure

Good Governance Protocol

Media Protocol

Principles for Engagement with Other Stakeholders Protocol

Resolving Differences

In any new arrangements there will inevitably be differences of opinion on issues. We will take a positive and constructive approach to resolving any issues in accordance with the arrangements set out in the relevant Protocol or Procedure. In general 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 Protocol will be reviewed in September 2015 or earlier if required.

Summary

This Memorandum of Understanding/Partnership Agreement 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 partnership 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.

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|  | ?????????????????Police and Crime Commissioner West Yorkshire |  | Cllr. Peter BoxChair West Yorkshire Police and Crime Panel |  |

Complaints Leaflet

Appendix 2A

Who we are

The **West Yorkshire Police and Crime Panel** works on behalf of Bradford, Calderdale, Kirklees, Leeds and Wakefield to ensure that the Police and Crime Commissioner for West Yorkshire meets the needs of all the communities they have been elected to serve.

The **Police and Crime Commissioner for West Yorkshire** has responsibility for the totality of policing across West Yorkshire. This includes setting policing priorities through a Police and Crime Plan and then spending the police budget in a way that addresses these priorities.

The Panel has certain duties in relation to the recording and handling of complaints about the Commissioner (and their Deputy).

We handle complaints in a fair and independent way – we do not take sides. If you have a concern about something the Commissioner (or Deputy) has said or done, you should first raise it with them. But if you are still not satisfied, we may be able to help.

This leaflet sets out what we can and can’t do. It explains what we have to do in certain circumstances. If we can handle your complaint, it explains the process that will be followed and there is a form that you can fill in which will help us deal with your complaint.

What we can do

Complaints about the conduct of the Commissioner or their Deputy are dealt with either by the Independent Police Complaints Commission (IPCC) or by us the Panel.

We have to record any complaints alleging criminal conduct (or which indicate criminal conduct may have occurred) by the Commissioner or their Deputy. We then have to refer these complaints to the IPCC for investigation.

Any other complaints are handled by us, usually through Informal Resolution.

Informal Resolution means encouraging, helping and bringing about the resolution of a complaint without going through legal proceedings.

We can consider complaints about the way a decision has been made or the behaviour of the Commissioner or their Deputy, if this has caused problems for you. For example, you may want to complain about the Commissioner or their Deputy not following their own rules.

If we find the Commissioner or their Deputy has done something wrong, we will try to get them to put the matter right. What we ask the Commissioner or their Deputy to do will depend on the particular complaint, how serious the fault was and how you have been affected by it.

What we can’t do

We can’t just question what the Commissioner or their Deputy has done simply because you don’t agree with it. There must be some alleged fault by the Commissioner or their Deputy. For example, you may think that they have not followed the proper process for taking a decision.

There are some things we can’t look into because there is a more appropriate body to deal with your complaint, or because we don’t have the legal power to do so. If we can’t help, we will tell you about other organisations that may be able to help.

When to complain

If you have a concern about something the Commissioner or their Deputy has said or done, the first step is to raise it with them. Their contact details are set out below.

If you are still not satisfied, you can make a complaint.

You can make a complaint if;

* the conduct you are concerned about has been directed at you
* you have been adversely affected by the conduct, even if it wasn’t directed at you
* you have witnessed the conduct

Someone can act on your behalf (perhaps a friend or relative) if you give your written permission for them to do so.

What happens first?

When we receive a complaint we take the following steps:

* we check that the complaint is about the Commissioner (or Deputy) for West Yorkshire – if it isn’t we send it to the right Panel and let you know; if it does relate to the Commissioner (or Deputy) for West Yorkshire
* we record the complaint – unless it is already being dealt with through criminal proceedings
* if we don’t record your complaint we have to tell you that we have made that decision and explain why

Then

* we decide whether a complaint alleges criminal conduct (or indicates criminal conduct may have occurred). If it does we immediately refer it to the IPCC. The IPCC will then decide how to deal with your complaint

or

* we decide that a complaint can be dealt with by the Panel as set out below

or

* we may decide no action should be taken because, for example, it is an employment issue, it is more than 12 months old, the matter is already the subject of a complaint, it is anonymous, vexatious, oppressive or an abuse of the procedures or repetitious

Whatever we decide you will be kept informed.

**Withdrawing or discontinuing a complaint**

* If you want to withdraw or discontinue your complaint you must give us signed notice in writing. If your complaint involves (or may involve) criminal conduct then it might still have to be investigated. If this is the case you will be told.

How We Deal With Your Complaint

* A copy of the record of the complaint will be sent to you within 10 working days and you will be informed who will be handling your complaint.
* A copy of your complaint will normally be sent to the person you have complained about for their comments (in certain circumstances your complaint may be kept anonymous or confidential).
* You will get a response within 10 working days. The response will:
	+ Outline the decision taken
	+ Explain any actions to be taken
	+ If more time is needed you will be told the reason why and given a new date
	+ If the Police and Crime Commissioner (or the person you have complained about ) is to be called to a meeting to answer questions and make representations a date will be given for that meeting
* If your complaint is being handled by an individual member of the Panel or another person authorised by the Panel they may decide to refer your complaint to a group of Panel Members (the Standards and Complaints Sub Panel). If your complaint is being handled by the Sub Panel it may decide to refer your complaint to the full Police and Crime Panel.
	+ They will:
		- Tell you of the date and time of the meeting when your complaint will be considered
		- Review your complaint, look at the procedure followed, the details of your case and any decision taken so far
	+ They may:
		- Call the Police and Crime Commissioner (or the person who the complaint is about) to a meeting to answer questions and make representations
* You will get a final response and decision within 15 working days of your complaint being referred. The response will:
	+ Outline the decision taken
	+ Explain any actions to be taken

Outcome

* A record of the outcome of your complaint will be sent to the person complained about as well as you
* Details of the record may be published but only after you have been given a chance to comment
* Possible outcomes could include an;
	+ apology
	+ improvement or change in procedures
	+ acceptance that something went wrong but that no other action is appropriate

If you are still not satisfied with the final outcome, you can ask the Local Ombudsman to look into your case. The Local Ombudsman will:

* look into the actions of the Police and Crime Panel
* investigate further if they feel the Panel has not acted correctly
* provide you with a decision on your complaint
* provide the service free of charge

You can contact the Ombudsman directly at:

The Local Government Ombudsman

Website: *www.lgo.org.uk*

Call the LGO Advice Team on **0300 061 0614** or

**0845 602 1983**

Email: **advice@lgo.org.uk**

Write to the Local Government Ombudsman,

PO Box 4771

Coventry CV4 0EH

How to contact us

There are a number of ways you can make a complaint:
• By email - ???????@???????????????
• By telephone - ??????????
• By fax - ?????????
• By post - ???????????????????????????????

Other contact details

**Police and Crime Commissioner for West Yorkshire:**

Website

Address

Telephone

E mail

**West Yorkshire Police Professional Standards Department:**

Website

Address

Telephone

E mail

**Independent Police Complaints Commission (IPCC):**

Website

Address

Telephone

E mail

If you want any general information about the **Police and Crime Panel** please visit our website at:

If you want to complain about the **Police and Crime Panel** or a **member of the Panel you should write to:**

The Monitoring Officer

Wakefield Council,

County Hall,

Bond Street,

Wakefield WF1 2QW

Tell Us About It

You can use this form to tell us about your complaint.

Please tell us in as much detail as possible about what happened, where it

happened and when it happened, and give the names of anyone involved.

Have you spoken to anyone about this already? If so who?

**Completing the form**

Please use BLOCK CAPITALS when completing this form. If you have any difficulties in filling out this form, and would like to discuss it please call ????????????. If you would like someone to act on your behalf (perhaps a friend or relative) please provide their details and your written permission and submit this with your form.

**Your details (complainant)**

Title: e.g. Mr, Miss, Mrs, Ms ………………………...

First name: …………......................

Surname: …………………………....

Date of birth: …………....................

Address: ………………………………………………………………………………

...........................................................................................................................

………………………………………… Postcode: …………………......

Work telephone ………………….. Home telephone number…………………

Mobile telephone number: …………… Email: ……………………………………

**Police and Crime Commissioner details**

WHO? Which Police and Crime Commissioner or Deputy is your complaint about?

………………………………………………………………………………………..

**Your complaint details**

WHERE? Where did the incident/s happen that have led to your complaint? Please be as specific as possible.

………………………………………………………………………………………………

………………………………………………………………………………………………

WHEN? When did the incident/s happen that have led to your complaint? If more than one date, please specify when the incidents occurred below:

Date: ……………………………… Time: …………………………………..

Or indicate the time period when the incident occurred.

From ………………………………. To: ……………………………………….

WHAT? Please describe the circumstances that have led to you feeling that you need to make a complaint.

Please include details of:

 -Who was involved

 -What was said and done

 -Any other people who witnessed the incident

 -If there was any damage or injury

 -Details of any witness

 -Any evidence you may have

At this stage we only need a summary of your complaint, but you can attach additional information if necessary. Please use the space provided on the last page of this form.

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**Anyone else**

Have you spoken to anyone about this already? If so who?

………………………………………………………………………………………………

………………………………………………………………………………………………

**Declaration**

I give my consent for you to pass the information contained on this form to the appropriate authority (this may be either the IPCC or the Police and Crime Commissioner for West Yorkshire) for their consideration:

Signature……………………………. Date………………………………

**Where to send this form**

Please return the completed form by post, fax or email to:

Address

Fax Number

E mail address

**Additional Notes**

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Monitoring Form

So that we can make sure that we are providing everyone with the best possible service, we would ask you to give us a few details about yourself. Any information given in this section will be used for monitoring purposes only and will not affect the way your complaint is treated.

**Gender**

[ ]  Male [ ]  Female

**Your Age**

[ ]  0-11 [ ]  12-18 [ ]  19-30 [ ]  31-45 [ ]  46-60 [ ]  61-75 [ ]  76+

**If you are complaining on behalf of someone else, please indicate their age group**

[ ]  0-11 [ ]  12-18 [ ]  19-30 [ ]  31-45 [ ]  46-60 [ ]  61-75 [ ]  76+

**Disability**

The Disability Discrimination Act 1995 (DDA) defines a person as disabled if they have a physical or mental impairment which has a substantial and long term (i.e. has lasted or is expected to last at least 12 months) adverse effect on their ability to carry out normal day-to-day activities. The definition includes conditions such as cancer, HIV, mental illness and learning disabilities.

**Do you consider yourself to have a disability according to the above definition?**

[ ]  Yes [ ]  No

**Sexual orientation**

[ ]  Heterosexual [ ]  Bisexual [ ]  Gay man [ ]  Lesbian

**Religion**

[ ]  Buddhist [ ]  Christian [ ]  Hindu [ ]  Jewish [ ]  Muslim

[ ]  Christian [ ]  Sikh [ ]  No religion [ ]  Other (please specify)

**Ethnicity**

**White Mixed Background**

[ ]  British [ ]  White and Black Caribbean

[ ]  Irish [ ]  White and Black African

[ ]  Any other white background [ ]  White and Asian

 [ ]  Any other mixed background

**Chinese Asian or Asian British**

[ ]  Chinese [ ]  Indian

[ ]  Chinese British [ ]  Pakistani

 [ ]  Bangladeshi

 [ ]  Any other Asian background

**Black or Black British BLACK OR BLACK BRITISH**

[ ]  Caribbean [ ]  Caribbean

[ ]  African [ ]  African

[ ]  Any other Black background [ ]  Any other Black background

Would you describe yourself as …[ ]  Traveller [ ]  Gypsy

How To Obtain This Leaflet In Other Formats

Please let us know if you have difficulty using our service, for example if you have a disability or if English is not your first language. If you need a copy of this leaflet and form in another language, we can arrange this. We can also produce information in large print, in Braille or on CD. For further information, telephone 01924 305757.

**Complaints Handling Protocol**

Appendix 2B

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 by 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 for a decision if appropriate.

Review

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

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| ?????????????????Police and Crime Commissioner West Yorkshire |  | Cllr. Peter BoxChair West Yorkshire Police and Crime Panel |  |

**Protocol and Procedure for Information Sharing**

Appendix 3

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, or the Panel may veto the precept. In both cases the legislation sets down the procedure to be followed and very tight timescales to get to a position where the precept can be issued in time for the new financial year.

**Annual Report**

The Commissioner must produce an Annual Report and send it to the Panel. The Commissioner must attend a Panel meeting to present the Report and answer questions. The Panel have to review the Annual Report and make a report or recommendations for the Commissioner to consider.

**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 from the Panel, respond to any such report or recommendation and publish any response.

**Scrutiny Reports**

The Panel must assess and monitor the performance of the Commissioner and make reports or recommendations to the Commissioner as appropriate.

**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 generally 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 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.

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.

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.

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:

* Strategic Planning
* Performance
* Local perspectives, victim satisfaction, community feedback
* Budget monitoring
* Audit and Risk, and Complaints

The Panel and the Commissioner will agree a forward plan of regular reports, with timescales for submission, for a period of six 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 e.g. tackling anti social behaviour
* 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 properly.

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 to suspend/remove a senior officer, the Commissioner will alert the Chair of the Panel in advance of a decision being taken and as soon as possible so that 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, Chief Constable and 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 Panel and the Commissioner invited to attend. In the event that this approach fails to resolve the matter, it may be referred to the Information Commissioner.

Review

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

**Protocol and Procedure for Confirmation Hearings under Schedule 1 and 8 of the Police Reform and Social Responsibility Act 2011**

Appendix 4

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 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. (A report and recommendation has to be sent within 3 weeks of the day that the Panel receives notification from the Commissioner in any event.)

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 and 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; it will also be given details of the job description, role profile and competencies, 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 Panel. The purpose will be to identify the minimum standards required for the post, consider what evidence might be required to demonstrate standards are exceeded and agree questions.

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 2 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 2 working days of the Confirmation Hearing. (It has to be sent within 3 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 3 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 2 working days notice of the date of publication.

The report and recommendation will normally be published within 5 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 5 working days.

Review

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

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| ?????????????????Police and Crime Commissioner West Yorkshire |  | Cllr. Peter BoxChair West Yorkshire Police and Crime Panel |  |

Appendix 5

Monitoring Officer and Chief Financial Officer (s151 Officer) Protocol

1. **Introduction**

Wakefield Council is the host Authority for the West Yorkshire Police and Crime Panel (the Panel). The Monitoring Officer and Chief Financial Officer for Wakefield Council will therefore undertake these statutory roles for the Panel.

This Protocol sets out the key responsibilities of these posts and the working arrangements that have been agreed by the Panel. The purpose of the Protocol is to support the statutory officers in carrying out their roles effectively.

1. **Key Responsibilities**

The Monitoring Officer has responsibility for safeguarding, so far as possible, Members and officers whilst acting in their official capacities, from legal difficulties and/or criminal or civil sanctions. They have to report to the Panel if they are of the opinion that any proposal or decision of the Panel (or anyone acting on its behalf) has given rise to or is likely or would give rise to any illegality, maladministration or breach of statutory code. Members have to have regard to any advice from the Monitoring Officer.

The Chief Financial Officer (s151 Officer) has responsibility for making arrangements for the proper administration of the Panels financial affairs. They have to report to the Panel if there is likely to be unlawful expenditure or an unbalanced budget. Again Members have to have regard to any advice from the Chief Financial Officer.

The ability of the Monitoring Officer and Chief Financial Officer to carry out these responsibilities will depend, to a large extent, on Members and officers:

* complying with the law (including any relevant codes of conduct)
* complying with any general guidance issued
* making lawful and proportionate decisions and
* generally, not taking action that would bring the Panel, their offices or professions into disrepute.
1. **Working Arrangements**

Having excellent working relations with Members and officers will assist the Monitoring Officer and Chief Financial Officer to undertake their responsibilities and support the Panel effectively. Equally, a speedy flow of relevant information and access to debate (particularly at the **early stages** of any decision-making by the Panel) will assist in fulfilling those responsibilities.

The following arrangements and understandings between the Monitoring Officer, Chief Financial Officer, Members and officers are designed to ensure the effective discharge of the Panel’s business and functions.

The Monitoring Officer and Chief Financial Officer will:-

(a) be alerted by Members and officers to any issue(s) that may become of concern to the Panel, including, in particular issues around legal powers to do something or not, financial affairs, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;

(b) have formal input into any reports which have legal or financial implications;

(c) have advance notice (including receiving Agendas, Minutes, Reports and related papers) of all relevant meetings of the Panel (or anyone acting on their behalf) at which a binding decision may be made (including a failure to take a decision where one should have been taken);

(d) have the right to attend and be heard at any meeting of the Panel (or anyone acting on their behalf) before any binding decision is taken (including a failure to take a decision where one should have been taken);

(e) in carrying out any investigation(s) have unqualified access to any information held by the Panel and to any Member or officer who can assist in the discharge of their functions;

(f) have a close working relationship of respect and trust with the Panel Members with a view to ensuring the effective and efficient discharge of business;

(g) develop effective working liaison and relationships with the Police and Crime Commissioner (and their Deputy), the Chief Constable, the IPCC and the Local Government Ombudsman

To ensure the effective and efficient discharge of the above arrangements, Members and officers will report any breaches of statutory duty or Panel policies or procedures and other vires or constitutional concerns to the Monitoring Officer, as soon as practicable.

The Monitoring Officer will be available for Members and officers to consult on any issues regarding the Panel’s legal powers, possible maladministration, impropriety and probity issues, or general advice on the constitutional arrangements.

The Chief Financial Officer will be available for Members and officers to consult on any issues regarding finances.

To ensure the effective and efficient discharge of this Protocol, the Chief Financial Officer will ensure adequate insurance and indemnity arrangements are in place to protect and safeguard the interests of the Panel and the proper discharge of the Monitoring Officer and Chief Financial Officer role.

1. **Monitoring the Protocol**

The Monitoring Officer and Chief Financial Officer will report to the Panel regarding whether the arrangements set out in the Protocol have been complied with and will include any proposals for amendments in the light of any issues that have arisen.