

AVON AND SOMERSET POLICE AND CRIME COMMISSIONER GOVERNANCE, DECISION MAKING AND SCRUTINY POLICY – October 2018

1. INTRODUCTION

The Police and Crime Commissioner for Avon and Somerset (the "Commissioner") is committed to open and transparent governance and scrutiny of policing and crime issues in Avon and Somerset in accordance with relevant legislation (including the [National Policing Protocol](#)) and best practice in relation to governance. The Commissioner and the Chief Constable both believe that a joint understanding of and respect for each other's roles is a key factor in effective governance and scrutiny activity and have agreed a Joint Vision for working together in the best interests of the communities of Avon and Somerset which is attached at Appendix 1. The Commissioner and Chief Constable have also agreed a detailed Scheme of Governance which sets out the roles and responsibilities of the organisations and officers, the decision making process as well as the relevant delegations and procedures which can be viewed [online](#).

This document is intended to summarise the principles which will inform the Commissioner's governance, decision making and scrutiny process and to summarise the key meetings and focus and priority of those meetings.

2. PRINCIPLES OF GOVERNANCE AND SCRUTINY

The following principles will be applied:

- The governance process will be dynamic, risk based and driven by the agreed priorities set in the Police and Crime Plan and by local priorities and issues identified by members of the public;
- The Commissioner and OPCC will always be mindful of their role in carrying out scrutiny activity and in particular respecting the operational independence of the Constabulary;
- Scrutiny meetings will be supported by work programmes to ensure that relevant areas of business are covered, however processes will not be bureaucratic or burdensome and will be driven by the principle of having the right evidence in the right format at the right time to inform decision making;
- There will be a shared commitment to transparency and making information publicly available wherever possible;
- There will be scrutiny at a strategic and force wide level but there will also be scrutiny and accountability at a local level considering the local Police and Crime Plans and other issues raised by local people; and
- Trade Associations, Unions and OPCC and OCC staff will be kept informed of issues and involved in planning activity.

OPCC and OCC staff shall work collaboratively in their scrutiny and oversight of the force, brief SLT and the wider OPCC as appropriate and be responsible for escalating issues and risks through existing monitoring processes.

3. GOVERNANCE AND SCRUTINY FRAMEWORK

Governance and scrutiny will be dynamic and risk based as above. Below is a framework of the key meetings and engagements which will be used to deliver governance and scrutiny in accordance with the principles.

Police and Crime Board – The PCC has established a Police and Crime Board (the 'Board') to support the carrying out of her statutory functions including overseeing delivery of the Police and Crime Plan, being the forum for formal decision making by the PCC and otherwise allowing for the PCC to scrutinise the work, performance, key projects and budget of the Constabulary and other partners. The Constabulary will have a responsibility to refer matters to the Police and Crime Board in accordance with the Scheme of Governance. The terms of reference for the Board are attached at Appendix 2.

Bilateral Meetings and Joint Meetings - the PCC and the Chief Constable will meet regularly at least once a week to discuss current issues, performance and joint planning especially around communications. Bullet points of issues discussed will be published on the [PCC website](#). Other officers will meet regularly as required. OPCC Senior Leadership Team (SLT) members and COG members will also be invited regularly to each other's meetings to encourage joint working.

SLT/COG – OPCC SLT meetings are held every Monday morning and COG are invited to attend. The High Level Objective Statement for these meetings is: The OPCC SLT meetings are a weekly planning meeting between the PCC, the OPCC SLT and the DCC or a Constabulary COG representative. The meeting considers the PCC's immediate priorities and issues, reviews recent events, plans for upcoming events, shares key information, receives an operational and IOPC investigation update from the Constabulary, receives OPCC subject area updates, reviews national updates and plans responses to APCC circulars.

Public Forum Meetings - the PCC and the Chief Constable have agreed a series of quarterly public forum events to be held across the force area targeted at members of the public and held in community venues. These will be focused on addressing issues and concerns of local people and will include presentations from the Chief Constable and opportunities for local people to ask questions or raise issues. The dates and notes of these meetings including questions and answers will be published on the [OPCC website](#). Feedback and comments from these meetings will be captured and fed into the data which is used to work with the force to influence the quality of policing service.

Local Area Days and other Local Scrutiny - the PCC will carry out a series of local visits to Local Areas. These will be focused on meeting local staff and partners. The visits will include an opportunity for the PCC and officers to review delivery of local Police and Crime plans and issues raised by local people.

Constabulary Meetings - the PCC and officers are generally welcome to attend Constabulary internal and partner meetings including Gold Groups. The OPCC will respect the focus of the Constabulary on carrying out their operational duties and their operational independence. The OPCC's attendance at Constabulary meetings

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will not imply PCC agreement to any particular issue unless expressly agreed. Formal decisions of the PCC will be made at the Police and Crime Board.

Performance Information and Briefings - performance information will be produced for the Police and Crime Board to inform the management by the force and scrutiny by the PCC.

Independent Audit and Joint Audit Committee - a joint PCC/Constabulary independent audit function and committee has been established. The internal audit reports and other committee papers will be published on the [PCC website](#). There are regular Joint Audit Committee updates considered at the Police and Crime Board and vice versa.

Independent Residents Panel - the PCC has established an Independent Residents Panel to dip sample complaints made by members of the public and dealt with by the Constabulary. The Panel will provide reports to the PCC and Chief Constable which will be published on the [PCC website](#) along with a Constabulary (PSD) response.

Scrutiny of Police Powers Panel – the PCC has established a SOPP Panel to review Body Worn Video footage of the use of police powers such as stop and search and Taser. The Panel will provide reports to the PCC and the Chief Constable which will be published on the [PCC website](#) along with a Constabulary response.

Out of Court Disposal Panel – The Panel will independently review a selection of cases that have been resolved by use of an out of court disposal (OOC) within Avon and Somerset. Its aim is to determine whether the method of disposal is considered appropriate, based on a review of the information/evidence available to the decision maker at the time.

The Panel can give feedback at an organisational level to promote best practice and identify potential policy development or training needs for consideration by the force or other agencies. The panel will be made up of representatives from voluntary sector agencies working with victims and youth offenders, CPS, magistrate benches and an independent representative.

The Panel will provide reports to the PCC and Chief Constable which will be published on the [PCC website](#).

Independent Custody Visiting – the OPCC runs a well-established scheme whereby trained volunteers conduct unannounced visits to police custody units to check on the welfare of detainees and observe the conditions in which they are held. Feedback from visits is recorded and analysed. Quarterly reports will be provided to the PCC and Chief Constable and will be published on the [PCC website](#) together with the annual report at the end of each financial year.

External Governance Meetings - the PCC meets regularly with MPs, leaders of local authorities and other key stakeholders in Avon and Somerset. The PCC is developing substantive local Police and Crime Plans in each top tier authority area with partners. The PCC has agreed an approach with the local Community Safety Partnerships to agree joint agenda planning and to table key issues at CSP meetings

as well as to monitor effective delivery of projects commissioned through the Police and Crime Grant at CSP meetings. A similar approach of agreeing appropriate agenda items is taken with the Avon and Somerset Health and Wellbeing Boards. The PCC or a member of her team will attend the local Criminal Justice Board. The Chief Constable convenes a six-monthly meeting of Avon and Somerset Chief Executives and CSP Chairs at which the PCC will be represented. The PCC will meet with local leaders and Constabulary leaders regularly.

Tri Force Governance – the PCC has agreed a series of meetings to oversee the important Tri Force Enabling Services and Tri Force Operational Projects. These include specific Strategic Boards, Programme Boards and Design Authorities in accordance with best programme governance guidance.

Regional Representation and Tri Force Work - the PCC and Chief Constable meet quarterly with the other 4 regional PCCs and Chief Constables in the South West of England.

National Representation - the PCC has joined the National Association of Police and Crime Commissioners - through this access is gained to various national agencies and groups. The PCC is a member of the National Police IT Company.

Police and Crime Panel – The decisions and activity of the Police and Crime Commissioner is scrutinised, challenged and supported by the Avon and Somerset **Police and Crime Panel**. The Panel has various functions including considering the **Annual Report**, **Police and Crime Plan** and scrutinising the budget and certain key appointments.

Other meetings as required – The PCC may set up 1:1 meetings with heads of department as required, e.g. Head of Protect, Roads Policing briefings with the Superintendent and also informal meetings such as Estates and Sustainability.

Quality Assurance Visits and Panels – the PCC may execute her scrutiny function in other ways in discussion with the Chief Constable, such as quality assurance visits and scrutiny panels. The PCC carried out a series of **Service Delivery Assurance** reviews in 2015 and it is intended these will be carried out quarterly.

Decision Making Policy - Decisions will be made in accordance with the detailed provisions set out in the Scheme of Governance referred to above. In particular, all significant, contentious decisions will be made based on reports in an agreed format published on the **PCC's website**. Informal decisions of the PCC are also recorded on a separate page of the website where possible. Formal decisions will be made by the PCC at the Police and Crime Board unless exceptionally agreed otherwise.

AVON & SOMERSET POLICING PROTOCOL

Joint Vision and Approach - The Police and Crime Commissioner ('PCC') and Chief Constable ('CC') share a vision and commitment to make the communities of Avon and Somerset safe, and ensure that they feel safe and for local people to have increased confidence in the police.

They will work together to achieve this, understanding that their roles are distinct yet complementary. As the Policing Protocol puts it, "mutual understanding of, and respect for, each other's statutory functions will serve to enhance policing for local communities".

Police and Crime Commissioner role - The PCC is responsible for the totality of policing in Avon and Somerset, sets the police and crime priorities for the area in the Police and Crime Plan and is accountable to the electorate and to the Police and Crime Panel. The PCC will be a prominent, visible, representative voice of the community and will use that position to hold the CC to account for the actions and performance of the force and in particular for delivery of the Police and Crime Plan. It is the PCC's role to take an interest in all areas of Constabulary business, respecting the operational independence of the CC and his responsibility for direction and control of the force.

Chief Constable role - The CC is accountable to the law for the exercise of police powers and to the PCC for the delivery of an effective and efficient policing service and for delivery of the Police and Crime Plan. The CC and the officers under his command are operationally independent: the decision on who to investigate or how to deploy police resources on a day to day basis are things that the PCC should never seek to influence. The CC has agreed to support the PCC by providing enabling functions under his direction and control upon which the PCC relies – such as Finance, ICT, Estates, HR, Corporate Comms etc.

Ways of working - The PCC and CC are committed to establishing and maintaining an open and constructive relationship, built on straight and honest dealing. Everything that they do will be informed by the joint vision. Although the PCC's primary relationship with the Constabulary is via the CC she will have cause to communicate regularly with all parts of the organisation. The Constabulary will support the PCC in discharging her responsibilities by providing information, arranging access to Local Policing Areas and Departments and contributing to relevant boards and meetings. In particular, the Constabulary will support the Police and Crime Board which will be the main governance body underpinning the implementation of this protocol and will be the Board at which key decisions are

made by the PCC. The Constabulary will proactively raise all key decisions, strategic and other significant issues which could have an impact on delivery of the Police and Crime Plan or public confidence at the Police and Crime Board.

Engagement and Transparency - The PCC and CC will keep staff, the Police and Crime Panel and the public informed of progress to achieve this vision as well as other significant developments in their strategic relationship. The PCC will proactively engage with local people and other stakeholders to ensure robust public accountability. Both organisations are committed to transparency as a default approach in all cases.

Governance and Responsibility Model - The PCC has responsibility for commissioning community safety and victim support services, and will do so in consultation with the CC, co-ordinating all external spending. The PCC has a specific responsibility for the resourcing of Avon and Somerset Constabulary and holds the police fund, sets the policing precept, the Constabulary and OPCC budgets and approves any significant spend. The CC has responsibility to deliver the Police and Crime Plan with the budget allocated to him by the PCC.

The PCC and CC agree the following governance and responsibility model for policing services:

Direction	PCC	The responsibility of the PCC, set out in the Police and Crime Plan and otherwise as specified from time to time. The CC will be consulted.
Design	PCC & CC	A flexible approach, appropriate and proportionate to the service line being considered. If it is an externally commissioned service, the PCC will expect a high level of involvement in the design. If it concerns an in-house provision of a service the CC will expect to lead on the design, and consult with the PCC at an early stage of and throughout the design process so that scrutiny arrangements can be agreed.
Delivery	CC	The responsibility of the CC. The PCC will provide scrutiny.

Public Facing Roles - The PCC and the CC both have high profile roles in the community and will develop protocols to ensure that these roles, which will occasionally overlap, are complementary. The PCC will need to be given early notice of any incident, decision or action that would be likely to attract significant public or media interest. The PCC and CC will follow the agreed protocol about their respective public facing roles in the event of a critical incident attracting substantial local, regional and/or national media attention.

This Protocol sits alongside the Scheme of Governance which includes more specific descriptions and delegations of responsibility.

Avon and Somerset Police and Crime Board Terms of Reference

Police and Crime Board

The Police and Crime Commissioner (the 'PCC') for Avon & Somerset will set up a Police and Crime Board (the 'Board') to support the carrying out of her statutory functions including overseeing delivery of the Police and Crime Plan, being the forum for formal decision making by the PCC and otherwise allowing for the PCC to scrutinise the work, performance, key projects and budget of the Constabulary and other partners. The Constabulary will have a responsibility to refer matters to the Police and Crime Board in accordance with the Scheme of Governance.

This Board will not be a public meeting though observers and relevant groups will be invited from time to time with mutual agreement – see the Transparency section regarding publications from the meeting.

The first meeting will take place in September 2016 and will occur monthly thereafter and be scheduled to last 4 hours.

Membership

The Board will be chaired by the PCC and regular membership will include the Chief Constable ('CC'), Deputy Chief Constable ('DCC'), Constabulary Chief Finance Officer – to be confirmed with the Chief Constable, Office of the Police and Crime Commissioner ('OPCC') Senior Leadership Team and other parties as invited on an agenda basis.

Either party may invite key partners or representatives to attend with agreement. The meetings will be administered and supported by the OPCC.

Agenda

A full agenda setting meeting will be held quarterly between the PCC, Chief Constable, Chief Executive Officer ('CEO') and DCC six weeks in advance of the first meeting of the next quarter – the first of these agenda setting meetings will be held in August 2016. In addition there will be an agenda setting meeting between the CEO and the DCC no more than one week after each meeting – scrutiny items will be tabled by the OPCC based on the OPCC issues log and risk register and highlighted at weekly OPCC SLT meetings with the DCC – ASC will proactively highlight key risk and performance issues as part of this process in the OPCC SLT meetings or the agenda briefing.

A quarterly update from the Joint Audit Committee ('JAC') will be provided and the Police and Crime Board will also provide an update to the JAC. There will be a standing OPCC SLT agenda item for any items that should be referred to the Police and Crime Board.

The first half of the board meeting will focus on delivery of Police and Crime Plan priorities with regular reports and rotating deep dive items. The second half will focus

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on other scrutiny with regular items (to include Finance, Human Resources, Professional Standards, Equalities, Health and Safety, Gold Group updates and Major Projects) and commissioned reports.

Regular papers will not exceed 3 pages and will be provided to the OPCC 7 working days before the meeting – the report template is attached at Annex A. The Avon and Somerset Constabulary ('ASC') Staff Officer Liaison will provide support to secure timely delivery of papers. A draft agenda and annual plan is attached.

Transparency

Minutes: The Police and Crime Board will not be a public meeting but summary minutes, including key points and actions, will routinely be published along with the agenda. Minutes will be produced within 5 working days of the Police and Crime Board Meeting and circulated for comment/amendment. Minutes will be agreed at the next Police and Crime Board for publication within 5 working days.

Decisions: Decisions should be referred to the OPCC so that they can be logged and scheduled for agreement at the Police and Crime Board. The OPCC will issue a template decision notice for completion and a log number.

Completed decision notices should be submitted to the OPCC no later than 7 working days before the Police and Crime Board along with other reports for inclusion in the Papers for the meeting. Decision notices will state whether any background information is also for publication – if it is for publication it will not be marked restricted. Signed off decision notices will be published within 5 working days of the Police and Crime Board.

Other Reports for Publication: Any other reports submitted to the Police and Crime Board that require publication should be agreed at the Board. The monthly performance table will routinely be published.

Webchat: The PCC and CC will do regular webchats and/or Facebook Live events publicising the key points discussed.

Other changes

As part of setting up this board the following meetings will not continue: PCC/COG Quarterly Meetings; Major Projects Governance Board; PCC and Chief Officer Portfolio meetings. The OPCC will continue to regularly attend Constabulary Management Board and Constabulary Strategy Board. The PCC will continue to meet the CC weekly and informally with COG each quarter and request other briefings from ASC as required. OPCC leads will also continue to meet their ASC counterparts regularly with a special focus on priority areas. The DCC will continue to attend OPCC SLT. The OPCC will continue to have a standing invite to other Constabulary meetings including Gold Groups but will attend on an occasional/exceptional basis. When attending Constabulary meetings, the PCC and OPCC representatives will not make formal decisions unless otherwise expressly agreed. Formal decisions will be taken at the Police and Crime Board.

MEETING:	Date:	Agenda No
DEPARTMENT:	AUTHOR:	
NAME OF PAPER:		COG Sponsor:

1. PURPOSE OF REPORT AND BACKGROUND

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2. OUTCOME/ FINDINGS

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3. FINANCE FOR OPTIONS

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4. EQUALITY ANALYSIS

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5. SUSTAINABILITY

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6. RECOMMENDATIONS

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