

Avon and Somerset Police and Crime Panel
28th June 2022

Working Arrangements between the Panel and the Office of the Police and Crime Commissioner – Shared Protocols

Recommendation

The Panel is invited to:-

1. Endorse the proposed changes to the Complaints Protocol and Communications Protocol.
2. Approve the introduction of a Mid Term Vacancy Protocol

1. Background

Following the introduction of new governance arrangements for Policing in 2012, the Avon and Somerset Police and Crime Panel (the Panel) and the Office of the Police and Crime Commissioner for Avon and Somerset (OPCC) has conducted business with the assistance of a number of shared protocols. Experience has demonstrated that key to both roles, is a constructive working relationship. The aim of the protocols is to facilitate the positive relationship in place and enable both bodies to discharge their functions effectively.

The Communications Protocol and Complaints Protocol are attached as Appendices 1 and 2 to this report. Both documents have been reviewed at intervals in recent years and brought back to the Panel for endorsement. A further officer review took place in April 2022 with Panel oversight and the documents have been updated to provide further clarity where appropriate.

The Mid Term Vacancy protocol is an historic document that was never formally adopted by the Panel.

2. Shared Protocols

2.1 Complaints Protocol

This has been amended to reflect the appointment of the OPCC Chief of Staff and the inclusion of a process map to provide further detail for the public on how the process is managed.

2.2 Communications Protocol

This has been amended:-

- to specify that this is a joint protocol between the Panel and the OPCC

- to define and make explicit the media communications included
- to clarify timings and communications before the issue of any statements
- to clarify the 2 distinct elements of a) Proactive and reactive internal communications between the Panel and OPCC in respect of external communications and b) the Panel and media engagement
- to define the obligations of Panel Members in making personal statements on any matter that falls within the remit of Panel business.

2.3 Mid Term Vacancy Protocol

The Panel was formally briefed in 2020/21 on its responsibilities to appoint an Acting Commissioner in the event of a vacancy.

A Mid Term Vacancy Protocol had been drafted by the Lead Officer in 2016/17 following a sudden vacancy in the West Midlands OPCC. The purpose of the document at that time was to avoid the upheaval experienced by the West Midlands Police and Crime Panel when it became apparent that the primary legislation lacked the clarity needed by the Panel to discharge its functions.

The Policing and Crime Act 2017 (Part 5 paragraphs 121-123) subsequently amended the primary legislation to ensure that the Deputy Commissioner is eligible to perform the role. It extends the term of office of a Deputy Commissioner so that, in the event of a PCC vacancy occurring (through death or resignation), the term of the Deputy Commissioner automatically ends upon a new PCC taking office rather than upon the former PCC ceasing to hold office. This enables a Deputy Commissioner to be appointed by the Panel as the Acting Commissioner pending a by-election.

In 2021, mindful of the PCC's obligations on succession planning emerging from Part 1 of the Home Office review, the Lead Officer consulted with the OPCC on the merits of a joint protocol. The OPCC is required to put in place formal succession "involving the Police and Crime Panel in those discussions as necessary". The OPCC was happy to sign up to a joint protocol and the attention of the Panel is drawn to Appendix C to the report which provides a simple framework for both bodies to work to in the event of a mid-term vacancy.

The Panel should note that whilst the Home Office Review recommends mandating the role of Deputy Police and Crime Commissioner, this has not been progressed centrally and ambiguity remains as to whether it will be mandated in the future.

Patricia Jones PLJones@somerset.gov.uk

Lead Officer

28th June 2022