

## **PROTOCOL BETWEEN THE NORFOLK POLICE AND CRIME PANEL AND THE NORFOLK POLICE AND CRIME COMMISSIONER**

This protocol concerns the relationship between Norfolk's Police and Crime Panel and Police and Crime Commissioner. Its purpose is to ensure that mechanisms are put in place for exchanging information and work programmes so that issues of mutual concern/interest are recognised at an early stage and are dealt with in a spirit of co-operation and in a way that ensures the complementary responsibilities of the Panel and the Commissioner are managed.

### **Key Principles**

1. The Police and Crime Commissioner ("the Commissioner") for Norfolk has the mandate from direct election to discharge the duties laid down by legislation (primarily the Police Reform and Social Responsibility Act 2011);
2. The Commissioner holds the Chief Constable to account;
3. The Police and Crime Panel ("the Panel") holds the Commissioner to account and may, in relation to the proposed precept and to the appointment of a Chief Constable, exercise a veto;
4. The Panel acknowledges it also has a legal duty in exercising its functions to support the Commissioner in the exercise of their functions;
5. The Commissioner may, at their discretion, chose to involve the Chief Constable in any meetings at which the Commissioner is held to account by the Panel but acknowledges that the Panel may, having given reasonable notice, request (but not require) the Chief Constable's attendance;
6. Such meetings would normally be open to the public at large in terms of observing proceedings but not in a participatory way (the Commissioner has a duty to engage directly via their own mechanisms – as does the Chief Constable);
7. The Commissioner will seek to link their open accountability sessions with the Chief Constable so that they precede the Panel meetings. This will enable consideration of reports/materials that are current and pertinent to key strategic decisions the Commissioner will have made. It is acknowledged that in order to minimise the bureaucratic burden which, in the majority of cases, is likely to fall on the Constabulary, requests by the Panel for papers will be proportionate to the issue at hand, and always relate to the functions of the Panel.
8. Recognising that awareness of operational policing matters in not a core function of the Panel, the Commissioner acknowledges that the Panel will need a broad understanding of such matters. The Commissioner would intend, with the Chief Constable's acquiescence, to provide regular briefings on particular aspects of policing in the county and, where appropriate further afield.
9. Communication from the Panel to the Commissioner will include:
  - Sending Panel agendas and associated papers to the Commissioner and their Chief Executive
  - Giving adequate notice of requests for information and attendance at meetings – unless legislation/guidance sets out specific timescales for the Panel's 'special functions', or in urgent circumstances, there will be a minimum of 10 working days' notice for written information and 20 working days for attendance at meetings

- Giving adequate notice of the Panel's intention to invite others to attend a meeting, to provide information and/or answer questions
- Sharing draft scrutiny reports on matters pertaining to the Commissioner so that there is an opportunity to comment on scrutiny recommendations before the report is finalised
- Sharing draft press releases so that there is an opportunity to comment before the press release is issued
- Scrutiny recommendations will be made in writing and addressed to the Commissioner (copied to the Chief Executive).

10. Communication from the Commissioner to the Panel will include:

- Responding to reports or recommendations made by the Panel
- Unless legislation/guidance sets out specific timescales for the Panel's 'special functions', or in urgent circumstances, it is expected that responses will be made in writing within one month of receipt of a report or recommendations from the Panel
- Unless legislation/guidance applies for the Panel's 'special functions', where there are substantial recommendations for the Commissioner to consider, the Commissioner's response will be included on the subsequent Panel's agenda and the Commissioner will be invited to present the report briefly to the Panel and take part in discussion
- The response should address each of the Panel's recommendations, indicating when the recommendation is not agreed or only partly agreed then the reasons for this should be clearly stated. This will help to make the process transparent for all concerned and make it easier to monitor agreed action
- Where appropriate, sharing responses with the Scrutiny Support Officer and Chairman of the Panel in advance of release to the press and public, for example if this is to be done separately from a local report to the Panel.

### **Regular Review**

It is suggested that the ways of working outlined above should be reviewed at least annually to ensure that they continue to support the local accountability landscape for policing and community safety.

## **Annex 1 – Complaints**

1. The Panel will agree the timing of regular monitoring reports about complaints as part of its forward work programming. While these will be framed around complaints, they may also include details of compliments.
2. The Scrutiny Support Officer for the Panel will provide the Commissioner's Chief Executive (and Norfolk County Council's Head of Democratic Services) with early notice of deadlines for reports.
3. The Scrutiny Support Officer for the Panel will inform the Commissioner's Chief Executive of any notification that the Panel has received by the Independent Office for Police Conduct (IOPC) in relation to the investigation of serious complaints and conduct matters at the earliest opportunity.
4. The Scrutiny Support Officer for the Panel will inform Panel Members and the Commissioner's Chief Executive when the Panel receives notification from the IOPC of any determination that is has made under the Regulations (Part 3) in relation to the investigation of serious complaints and conduct matters.

NOTE – The Regulations clearly state that the procedures that are to be available for dealing with complaints which are to be subject to informal resolution are to be set out in guidance approved by the Secretary of State. This guidance is available to view [here](#).

## **Annex 2 – Confirmation Hearings**

1. The Commissioner's Office may informally notify the Scrutiny Support Officer that a confirmation hearing is likely to be needed so that provisional arrangements for a Panel meeting can be put in place. This will not trigger the three-week period within which a Panel must meet – that will start once formal notification has been received.
2. In addition to the information which the Act states must be provided to the Panel as part of the formal notification process, the Commissioner may also provide other information about candidates such as a CV, a personal statement from the proposed candidate, or references. Before doing so, the Commissioner will advise the candidate and relevant referees that any such additional information will form part of the report to the Panel and will be publicly accessible.
3. The Panel will use the meeting only for a confirmation hearing – it will not address any other business and an HR officer will attend to provide guidance.
4. At the earliest opportunity, the Chairman of the Panel will write to the candidate, advising them of the date of the meeting and notifying them of the principles of professional competence and personal independence on which the proposed candidate will be evaluated. The letter will also advise the candidate that any information they provide during the course of the meeting will be publicly accessible and recorded in the minutes of the meeting.
5. During a confirmatory hearing, the Panel will seek to explore the following areas:
  - 1) Does the person meet the criteria set out in the role profile for the post?
    - i. Does the candidate have the professional competence to carry out the role?
    - ii. Does the candidate have the personal independence to carry out the role?
  - 2) Does, consequently, the Panel agree to either:
    - i. Recommend the appointment should be made
    - ii. Recommend that the appointment should not be made
    - iii. For Chief Constable appointments only – use its power of veto?

6. Immediately following the confirmatory hearing, the Panel will meet in closed session to decide its recommendations.
7. The Panel will notify the Commissioner of its recommendations the following working day. The candidate will be copied into this communication. Where the Panel has recommended that an appointment should not be made, or used its veto, the notification will append a summary of the principle reasons for that decision.
8. A period of five working days will normally be allowed to pass before information is released about the Panel's recommendation and the Commissioner's response (including, where relevant, the steps that the Commissioner will take to make another appointment). The aim is to allow the candidate some time to consider their position and ask any further questions they may have about the process before information is released to the press and general public.
9. If, however the candidate's interests would be better served by a quicker release of information, this will be discussed and agreed with the Commissioner.
10. Where the Panel has recommended that a proposed appointment should not be made or it has used its power of veto, the Commissioner will aim to inform the Panel of his/her response before releasing it to the press and public.

### **Annex 3 – Exercise of veto**

#### **Proposed Precept**

1. The Commissioner will aim to notify the Panel of the proposed precept earlier than the Regulations prescribe. This will usually be during December of the relevant financial year.
2. Should the Panel agree to veto the proposed precept, the Panel and the Commissioner will aim to undertake the next steps earlier than the Regulations prescribe. This will usually be during January/February of the relevant financial year, with the whole process completed mid-February.

#### **Appointment of Chief Constable**

1. Should the Panel agree to veto the proposed Chief Constable appointment, Annex 2 of this protocol will apply.

### **Annex 4 – Suspension and removal of Commissioner**

1. The Commissioner's Office will notify the Scrutiny Support Officer in the event that the Commissioner:
  - (i) is charged in the United Kingdom, the Channel Islands or the Isle of Man with an offence; and
  - (ii) the offence is one which carries a maximum term of imprisonment exceeding two years.
2. A meeting of the Panel will be arranged at the earliest opportunity to consider and agree whether suspension or removal is appropriate. The Panel will notify the Commissioner's Office in writing.

Signed:



Name:

GR OWEN-SMITH

Dated:

13 July 2021

Police and Crime Commissioner for Norfolk

Signed:



Name:

WILLIAM RICHMOND

Dated:

13 July 2021

Chairman of Norfolk Police and Crime Panel

Signed:



Name:

KEVIN PEARSON

Dated:

13 JULY 2021 .

Vice Chairman of Norfolk Police and Crime Panel