

## PCC and Chief Constable Accountability framework

**Purpose:** This document seeks to highlight and signpost ‘tried and tested’ means of building effective working relationships between Police and Crime Commissioners (PCCs) and Chief Constables (CCs), including issues of accountability, challenge and support. It is intended to stand alongside and complement the Police Reform and Social Responsibility Act 2011 (the Act) and The Policing Protocol Order 2011 (the Policing Protocol).

While not all approaches will suit all local circumstances, this document should be useful for both new PCCs and CCs as well as for existing and established PCCs and CCs. Case studies are provided in some sections to illustrate how certain issues have been effectively addressed by PCCs, CCs and their teams in the past. This is to inform good practice.

### High Level Principles

Having reviewed a range of practice in this area – it is suggested the following principles may underpin effective working relationships between a PCC and CC:

1. *Demonstrate behaviours of mutual respect, trust and confidence in line with the Code of Ethics, the Nolan Principles and the Policing Protocol.*
2. *Work together to establish a shared understanding and commitment to the Policing Protocol.*
3. *Establish and agree clear lines of responsibility and accountability.*
4. *Talk regularly and develop ways of working together effectively – both formally and informally.*
5. *Share information openly and transparently.*
6. *Draw on and use your senior teams.*
7. *Recognise and address issues and problems early, particularly those that require clarity of perspective or position.*
8. *Work together to resolve issues at the earliest stage. Consider section 38 as the last resort.*

The rest of this framework examines the principles in more detail and provides useful case-studies (where appropriate) which may assist in local discussions between PCCs and CCs in considering their relationship and how they work together.

### Principles:

1. **Demonstrate behaviours of mutual respect, trust and confidence in line with the Code of Ethics, the Nolan Principles and the Policing Protocol.**
  - Any working relationship is based on respect, mutual trust and confidence. These terms are implicit in any employment contract and are also referenced in the Policing Protocol. Trust and confidence must be built across both parties.
  - It is important that the PCC and CC have a relationship that is built on fairness and respect for each other and this is demonstrated in their public and private dealings with each other.
  - It is important that PCCs and CCs work to build and maintain trust and confidence and are aware of the behaviours / actions that may undermine trust and confidence on either side. Examples of positive behaviours and actions may include:

- Agreeing an open and transparent approach to the relationship that can help both parties to develop trust and assurance.
- A healthy relationship will involve on occasions difficult and uncomfortable discussions - recognising that these discussions will need to be had from time to time is important and a necessary part of the PCC and CC relationship.
- Both parties need to recognise the value and importance of effective scrutiny and governance.
- Challenge alongside support are characteristics of a strong and effective relationship.

## **2. Work together to establish a shared understanding and commitment to the Policing Protocol**

- On election of the PCC, or appointment of the Chief Constable, meet to discuss the Policing Protocol and the roles, responsibilities and boundaries it establishes for each other's role.
- Review responsibilities together on a regular basis to ensure you are both keeping within the parameters as well as the spirit of the protocol. These discussions will also help clarify issues in relation to responsibilities, remit and operational independence.

### **CASE STUDY**

#### ***Work together to establish a shared understanding and commitment to the Policing Protocol***

*A number of PCCs and Chief Constables participated in a facilitated workshop in February 2019 to consider the Policing Protocol.*

*The workshop was considered a success by both PCCs and Chief Constables and one of the outputs from the day was a commitment to hold similar events in the future and in particular after the PCC elections in 2020.*

*One of the key learnings from the day was that the Protocol, whilst challenging, offers clarity about some important aspects about how PCCs and CCs should work together to deliver safer communities.*

## **3. Establish and agree clear lines of responsibility and accountability**

- Building on Policing Protocol discussions, you may find it helpful to agree a joint corporate governance framework or local protocol which could set out upfront arrangements of how the PCC and Chief Constable will do business together and operate within respective remits and perspectives.
- Having these arrangements set out clearly (including setting areas of responsibility and accountability) will help provide clarity around how the relationship might work in practice.

## **4. Talk regularly and develop ways of working together effectively – both formally and informally.**

- Clear lines of communication are important. Regular, diarised meetings with a clear purpose provide structure and regular opportunities to communicate.

- The majority of PCCs and CCs meet early on in their work together to undertake some form of objective setting and then, on a regular basis, meet to review progress against agreed objectives. This can involve both organisational and personal objectives and provides both parties with a regular opportunity to communicate.
- Informal discussions are also as important as the formal meetings. Business gets done outside meetings, relationships are built and strengthened through that contact.

## CASE STUDY

### ***Talk regularly and develop ways of working together effectively – both formally and informally***

*“The PCC has established weekly face-to-face progress meetings with the Chief Constable to discuss urgent matters arising and to look ahead. The correspondence received by the OPCC is used to inform these discussions too. These meetings last between 60 and 90 minutes.*

*The Commissioner also has a formal, monthly Performance & Accountability Meeting (PAM) where the Chief Constable is held to account for the performance of the force. The PAMs were first established in July 2013 and are webcast live on the Commissioner’s website. They have also been recognised as best practice nationally by both the Home Secretary and the Minister for Policing, Crime and Criminal Justice and Victims. Each of the PAM sessions is archived. The PAMs provide transparency over a broad range of police functions, decisions and national publications. The progress made against the four policing and crime objectives set out in the Police & Crime Plan is challenged through the PAMs too. In addition, every published report from Her Majesty’s Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) is scrutinised at the following PAM and any recommendations followed up on.*

*It is also worth emphasising that the PCC and the Chief Constable attend a quarterly Regional Police & Crime Commissioner and Chief Constable meeting to scrutinise regional policing capabilities, requirements and collaborative working.”*

## 5. Share information openly and transparently

- An effective working relationship will be open, respectful and will acknowledge the central role that holding to account plays. It is the PCCs statutory function to hold the CC to account for the operational delivery of policing. This will always involve an element of challenge that will require an open and respectful relationship.
- There is an onus on the PCC to hold to account. In doing so, the PCC will require the CC to share information and data. The PCC should do so in a way that is proportionate and not overly onerous for the CC, or the force.

- In return there is an onus on the CC to share the information and data required by the PCC to effectively hold to account.
- Either party should feel able to challenge the other, in a respectful way.

## CASE STUDY

### ***Share information openly and transparently***

*“A staff officer has been appointed by the Chief Constable to act as a SPOC and liaison officer for the OPCC and this assists greatly in securing timely and comprehensive information for the meetings identified, underpinned by a wide-ranging information sharing agreement and memorandum of understanding for shared services between the Chief Constable and the PCC.”*

## 6. Draw on and use your senior teams

- There is a danger that the relationship between PCC and CC can become too ‘1 on 1’ or claustrophobic, which can result in problems where it is then difficult for anyone else to come in and assist.
- Often, where the arrangements have worked best, there are strong relationships between the senior team of the force and the OPCC. This spreads the load among senior colleagues and make the best use of senior talent to deliver the best possible policing service to the local area. A strong relationship between the OPCC Chief Exec and the Deputy CC can help be an effective channel in addressing issues or problems early on.
- If there is a problem or issue – share it with your senior teams / staff – this might reveal new angles or ideas that may not have been considered.

## CASE STUDY

### ***Draw on and use your senior teams***

*“We have a regular meeting where the PCC, Deputy PCC, Chief Executive, Chief Finance Officer and the Chief Constable’s Staff Officer meet to discuss a wide range of issues. There is always an operational update provided and then both pre-arranged discussions about issues either the Chief or PCC have raised and anything else they want to talk about. In theory this meeting also allows the PCC/CC to rehearse discussions they will be having as part of the PCC’s public meetings.”*

## 7. Recognise and address key issues and problems early, particularly those that require clarity of perspective or position.

- Even the strongest relationship can experience difficulties from time to time.
- It is important to give permission for either party to voice concerns early on without fear of retribution or belittling.
- Where either party believes there are problems, or issues with the relationship there are sources of potential support:
  - The local senior team (both from the force and OPCC) may be able to help and diffuse any potential issues.
  - The APCC and APACE will provide support to PCCs and chief executives.
  - The NPCC and CPOSA will provide support to Chief Constables.
  - The national organisations (APCC and NPCC) will also help in addressing issues of concern early on by talking to each other, and to individuals, with the permission of the individuals concerned, to try and ameliorate any issues.
  - Several PCCs and CCs have local procedures, protocols, or memoranda that outline dispute resolution processes (SEE CASE STUDY).

### CASE STUDY

***Recognise and address key issues and problems early, particularly those that require clarity of perspective or position:***

*A number of PCCs and Chief Constables have agreements that they can draw upon if their relationship gets into difficulties. These relationships have various different names (procedures, protocols or memoranda) but they all have in common an agreement between the PCC and Chief Constable about what they can each expect from the other.*

*Durham, North Yorkshire, Surrey and West Mercia all have agreements of this kind.*

## 8. Work together to resolve issues at the earliest stage. Consider Section 38 as the last resort

- The examples in this guidance note should help to resolve issues at the earliest stage.
- On occasion, with a view to avoiding any unnecessary escalation and to facilitate a brokered and pragmatic solution in the interest of all parties, the two parties may wish to consider mediation (SEE CASE STUDY).
- The use of section 38, Police Reform and Social Responsibility Act 2011 should be considered as the last resort.
- Where Section 38 proceedings are being considered, there is useful case law in existence, notably with regard the judgment on the David Crompton and the PCC for South Yorkshire case.
- In addition, PCCs and CCs can work together on local protocols that set out the stages and steps that will be followed before a section 38 is considered.

### CASE STUDY

***Work together to resolve issues at the earliest stage. Consider Section 38 as the last resort***

*The Acas guide, “Mediation explained”, provides a brief summary of the principles of mediation:*

- *Mediation is voluntary – you only take part if you want to.*
- *Mediation is confidential – nothing you tell the mediator will be passed on to anyone else unless you want it to be and what has gone on in mediation cannot normally be used in any later procedures or court action.*
- *Mediation is quick – mediation can be arranged in a few days and the mediation itself usually takes less than a day.*
- *Mediation can be cheaper and less stressful than going to court.*
- *Mediation is most effective at the early stages of conflict.*
  
- *Mediation aims to maintain the employment relationship.*

*It is also important to note that mediation cannot force a resolution and will only provide a solution if both parties feel able to agree to it. Furthermore, any mediator will need to be seen as independent and have the confidence of both parties. The mediator should not be a person or member of a body who could at a later date become involved in any formal proceedings.*

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