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Ask for: Anna Taylor  
Date: 27 November 2012

Dear Member

**KENT AND MEDWAY POLICE AND CRIME PANEL - THURSDAY, 29 NOVEMBER 2012**

The Kent Police and Crime Commissioner needed to be consulted on these documents and I am now able to enclose, for consideration at next Thursday, 29 November 2012 meeting of the Kent and Medway Police and Crime Panel, the following report(s) that were unavailable when the agenda was printed.

<b>Agenda No</b>	<b>Item</b>
9	<b><u>Information Sharing Agreement</u> (Pages 1 - 22)</b>

Yours sincerely

**Peter Sass**  
**Head of Democratic Services**

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From: Kayleigh Nicholson – Policy Officer, Kent Police Authority

To: Kent and Medway Police and Crime Panel

Subject: Draft Information Sharing Agreement between the Kent Police and Crime Commissioner and Kent and Medway Police and Crime Panel

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Summary: This report invites the Police and Crime Panel (PCP) to consider a draft Information Sharing agreement with the Kent Police and Crime Commissioner.

## **Unrestricted**

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### **1. Background**

- 1.1 Both the Kent Police and Crime Commissioner and the Kent and Medway Police and Crime Panel have statutory duties that will require the sharing of information. It is therefore recommended within Local Government Association (LGA) guidance and elsewhere, that the two bodies reach an agreement regarding information sharing, the purposes for which information will be shared, and the processes associated with this sharing of information.
- 1.2 Suggested timeframes for the sharing of information within the Agreement are based on the stated timescales within the Police and Crime Panel's existing governance framework or are based upon existing good practice.

### **2. Recommendations**

- 2.1 Following consideration by the Shadow Kent and Medway Police and Crime Panel and the Police and Crime Commissioner, the Kent and Medway Police and Crime Panel is asked to consider and agree the Information Sharing Agreement.
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#### **Appendices:**

Appendix 1 – Draft Information Sharing Agreement

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**Interim  
Information Sharing Agreement**

between the  
**Kent Police and Crime Commissioner**  
and the  
**Kent and Medway Police and Crime Panel**

Version 2  
November 2012

# 1. Purpose of the Agreement

This agreement has been developed to formalise what information the Kent Police and Crime Commissioner will pass to the Kent and Medway Police and Crime Panel, and how this sharing of information will take place. It:

- Defines the specific purposes for which the Police and Crime Commissioner and Police and Crime Panel have agreed to share information.
- Describes the roles and structures that will support the exchange of information between the two bodies.
- Sets out the legislative arrangements which underpin the sharing of information.
- Describes the statutory reasons why information may not be shared, and the processes for ensuring the protection of sensitive data and information.

The signatories to this agreement are:

..... Kent Police and Crime Commissioner

And

..... Chairman of the Kent and Medway  
Police and Crime Panel

on behalf of the Police and Crime Panel  
as agreed 29 November 2012

## 2. Statutory underpinning of this agreement

Police and Crime Commissioners and Police and Crime Panels were established under the Police Reform and Social Responsibility Act 2011. Under this Act, Police and Crime Panels are given powers to hold the Police and Crime Commissioner to account for the discharge of their functions. These include the power to:

- Require the Commissioner to attend meetings of the Police and Crime Panel
- Review and make recommendations on the Commissioner's Police and Crime Plan and Annual Report
- Review the Police and Crime Commissioner's expenditure proposals
- Deal with non-criminal complaints about the conduct of the Police and Crime Commissioner
- Hold a confirmation hearing for the Commissioner's Senior Appointments
- Review or scrutinise any decisions made or other action taken, by the PCC in connection with the discharge of their functions.

The Panel also has the power of veto<sup>1</sup> over:

- The Commissioner's proposed precept
- The appointment of the Chief Constable

To undertake these statutory duties effectively and with full possession of the facts, the Panel is also given powers to require information held by the Police and Crime Commissioner and their office. In particular, the Police Reform and Social Responsibility Act 2011 states that the Police and Crime Commissioner must provide the Police and Crime Panel with any information which it may reasonably require in order to carry out its functions.

The Police and Crime Commissioner may also provide the Police and Crime Panel with any other information which they think appropriate.

Given that the Police and Crime Panel may consequently require information on a wide-ranging set of issues, this protocol sets out what will be shared by the Commissioner with the Panel on a regular basis, and what arrangements will exist for ad-hoc requirements for additional information.

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<sup>1</sup> The power of veto is exercisable once in relation to both the precept and Chief Constable appointment

There may be occasions where a Police and Crime Commissioner is statutorily required to withhold information due to the sensitive nature of that information. Such circumstances are dealt with under section 4 of this protocol.

### **3. Information to be shared**

#### **i) Information to be shared by the Kent Police and Crime Commissioner**

The Kent Police and Crime Commissioner and their Office are committed to providing sufficient information to the Kent and Medway Police and Crime Panel to enable it to conduct its duties effectively. This section sets out the arrangements for sharing of documents and reports on a planned basis. A summary schedule of all information to be shared is included at Appendix A.

##### Information Relating to Statutory Functions

The following documents will be presented by the Police and Crime Commissioner in line with the statutory functions of the Police and Crime Panel:

- Police and Crime Plan  
The Panel is a statutory consultee on the Commissioner's Police and Crime Plan. A draft of this Plan will be submitted formally to the Panel for comments and recommendations, but the Commissioner will also seek to engage the Panel on its development. Where relevant, this Plan will be submitted alongside any precept and budget proposals. The Panel will be consulted before any Plan is issued or revised by the Commissioner.
- Precept Proposals  
Details of the Commissioner's precept proposal and any assumptions upon which it is built must be submitted to the Panel by the 1<sup>st</sup> February each year. The Commissioner will also provide additional information and analysis on why the proposed precept has been selected and the outcomes of any budgetary consultation.
- Budget and Medium Term Plan  
As good practice, the Commissioner's full budget and Medium Term Plan will be submitted to the Panel alongside the precept proposal. The Panel has a statutory duty to review the Commissioner's expenditure proposals and can veto the proposed precept.
- Annual Report  
The Commissioner will produce an Annual Report at the conclusion of each financial year. There is no statutory timeframe for the completion of this document, but it is agreed that this will be submitted to the Panel for review and recommendations within 8 weeks of the end of the financial year.
- Complaints to the PCC's office  
The Commissioner's Office will ensure that any non-criminal complaints made against the Commissioner are properly recorded and passed to the Police and Crime Panel to deal with. On the basis of the agreed delegation, this will be completed within 3 working days of receipt of the complaint. A register of all complaints regarding the



Commissioner's office will be maintained by the Chief Executive, including those complaints that are not formally 'recorded'. This register is available on request by the Panel and for IPCC returns. The protocol regarding complaints is further detailed separately in the PCC-Panel Complaints Policy.

○ Details of senior appointments

The Police and Crime Panel must hold a confirmation hearing within three weeks of notification for the appointment of a Chief Executive, Chief Financial Officer and Deputy Police and Crime Commissioner. The Panel also has the power of veto over the appointment of the Chief Constable. Further information on arrangements for Confirmation Hearings is included at section 6.

The Commissioner's Office will provide the Panel with as much information on the nominated candidate as possible. This will include information such as:

- The person specification and job description for the post
- The application form of the nominated candidate
- A report from the Commissioner as to why they are the most suitable candidate
- The salary and rewards package offered
- Any declared interests by the nominated candidate
- Details of any equality monitoring information on the recruitment process

○ Finance Reports

Schedule 16 s188 and 189 of the Police Reform and Social Responsibility Act amends the Local Government Finance Act 1988 and requires that finance reports produced by either the Commissioner or Chief Constable's Chief Financial Officer must be sent to each individual Member of the Police and Crime Panel. The Panel may wish to liaise with the Commissioner and Chief Constable's Audit Committee in this regard.

Information shared on a programmed basis

The following information will be regularly shared with the Police and Crime Panel:

- A record of all decisions taken by the PCC

The Police and Crime Panel can choose to review any decision taken by a Police and Crime Commissioner in line with the discharge of their functions. The Commissioner's Office will therefore inform the Panel's secretariat of any decisions taken by the Commissioner. These decisions will also be published on the Commissioner's website as part of a commitment to openness and transparency.

For key decisions (Grade 1 and 2) the Panel will be informed 5 working days prior to the decision being made. **This is in accordance with the Commissioner's decision-making scheme, which is attached at Appendix B.** For Grade 3 and 4 decisions, a register of all decisions will be maintained by the Office of the Police and Crime Commissioner. This will be shared with the Panel on a quarterly basis, or more regularly on request. **A forward plan of all decisions expected to be taken by the Commissioner will be shared with the Panel for information, where available.**

- Performance reports

The Commissioner will provide the Panel with information regarding the performance of both Kent Police and partner agencies. These performance reports will detail progress

made against strategic performance objectives set by the Commissioner and will enable the Panel to hold the Commissioner to account for delivery against the priorities set out within their Police and Crime Plan. **Performance reports will be shared on production.**

– Consultation Arrangements and Findings

The Police and Crime Commissioner has a statutory role in consulting and engaging members of the public, specifically victims of crime. As the Panel may wish to scrutinise the Commissioner against this statutory requirement, the Commissioner will share their Consultation and Engagement Strategy with the Panel for comment and will also share the findings of their consultation programme on an Annual basis.

– Dates of Public Meetings

The Commissioner will hold regular public meetings which form part of their governance and accountability arrangements. The dates of these meetings as well as their agendas and minutes will be shared with the Police and Crime Panel.

## ii) Dealing with Requests for Information

The Panel also has the right to request information from the Commissioner on an ad-hoc and unplanned basis in order to discharge its own statutory functions as well as to scrutinise the actions of the Commissioner. It has a number of legislative powers in this area **which are summarised in section 2.**

The Panel does not have any powers to request information directly from the Force (other than general rights under the Freedom of Information Act). It is agreed that the Panel will only seek reports and information from the Office of the Commissioner. **This does not prohibit individual members of the Panel from having a direct relationship with the Force in their capacity as councillors.**

### Requests for Information / Evidence

- The Panel may require the Police and Crime Commissioner to respond in writing (within a reasonable period) to any report or recommendation made by the Panel. The Panel has defined this reasonable period as being within one month of the date on which they receive the report or recommendations.
- The Panel may require the Police and Crime Commissioner or members of the Commissioner's Office to attend before the Panel to answer questions on 'reasonable' notice. This has been defined by the Panel as 15 working days notice.
- The Panel may request any information from the Commissioner which it reasonably requires in order to carry out its functions. Whilst 'reasonably require' is not defined within the legislation, it is recognised that the Panel may require wide-ranging information in many forms, including evidence, data and written reports. The process for dealing with general requests of this nature is set out below.

### Process for dealing with general requests for information

- Any request for information by the Panel (including data, reports or evidence) must be made to the Police and Crime Commissioner's \*\*\* (job title to be confirmed<sup>2</sup>), who will act as the single point of contact for the Panel.
- The request for information will be considered by the \*\*\*, who will determine whether that request is reasonable. (Please see section 4 of the protocol which deals with this process in detail).
- The standard timescale for providing information will be within 15 working days from the date of receipt of the request by the \*\*\*. However, all requests for information will be dealt with promptly, and information will be provided sooner if possible.
- If the request for information is complex, or the office of the Police and Crime Commissioner may not be able to comply with a request within 15 working days, the Commissioner's \*\*\* will agree timescales with the Panel at the point of request.
- If the Panel is dissatisfied with the information provided by the Commissioner's Office, it may escalate its request and any concerns to the Chief Executive and failing satisfactory resolution, a discussion will be convened between the Police and Crime Commissioner and Chairman of the Police and Crime Panel. Dispute resolution is dealt with in more detail in section 4.

### iii) Information to be shared by the Kent and Medway Police and Crime Panel

The Police and Crime Panel also commits to sharing information relevant to the Police and Crime Commissioner on a timely basis. Such information includes, but is not limited to:

- Draft Police and Crime Panel Agendas  
Agenda setting is a matter for the Police and Crime Panel. However, a draft agenda will be circulated to the Commissioner in advance of its publication to provide the Commissioner with an opportunity to comment upon proposed agenda items, and to suggest additional topics for discussion. **This circulation will be for information only, not for agreement.**
- Minutes of Police and Crime Panel Meetings  
The Police and Crime Commissioner will be given the opportunity to review the full minutes of a Police and Crime Panel meeting before they are published. The Commissioner will be permitted to comment on these minutes for factual accuracy only.
- Media Statements and Communications by the Panel  
Following Panel meetings, both the Panel and Commissioner may issue their own media statements and comments. However, a separate Communications Protocol has been produced to establish strong working relationships between the two bodies. This is attached at Appendix C. A nominated representative from the Press Office that supports the Panel will meet regularly with the Commissioner's Communications Manager and will share any plans for external communications (e.g. planned interviews, media statements, key decisions) with the Commissioner's Office for information purposes.

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<sup>2</sup> Currently, the responsible officer is the Authority's Performance Policy Officer. Proposals for the future office of the Police and Crime Commissioner describe this role as 'Governance Manager'.

- Dates of Meetings

The Police and Crime Panel will provide the Commissioner's office with the programmed dates and times of Panel meetings on an annual basis. This information will be published on both the Panel and Commissioner's website.

## 4. Incidences when information will not be shared

The Office of the Police and Crime Commissioner is committed to ensuring that it is as open and transparent as possible. This commitment to transparency includes sharing information with the Police and Crime Panel to enable it to conduct its statutory duties.

There are, however, certain instances when the Commissioner's Office may refuse to provide information to the Police and Crime Panel. This will only be in very specific circumstances, and in accordance with legislative provision. Circumstances in which requests for information may be refused are set out below:

- Under the Police Reform and Social Responsibility Act, the Police and Crime Commissioner may refuse to provide information to the Police and Crime Panel on the basis that it is operationally sensitive. The criteria for operational sensitivity, as set out within the Act, is that the information:
  - 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:
    - i. The prevention or detection of crime
    - ii. The apprehension or prosecution of offenders
    - iii. The administration of justice
  - Is prohibited by or under any enactment
- Members of the Commissioner's staff are not required to disclose to the Police and Crime Panel evidence or documents containing advice given to the PCC. This also includes political and legal advice. **The Commissioner may consider the sharing of legal advice with the Panel where it is appropriate and permissible to do so.**
- The Commissioner has to provide any information that the Panel might 'reasonably' require. On rare occasions, this means that the Commissioner's Office may refuse a request for information on the grounds that it is 'unreasonable'. Judgements of 'reasonableness' by the Commissioners Office will be against a number of factors, including (but not limited to):
  - Whether or not the request falls within the statutory duties of the Police and Crime Panel
  - **Whether or not the request is repetitious**
  - The amount of time and/or cost that would be required by the Commissioner's office to gather or prepare the information that has been requested
  - Whether or not the request relates to information that is held by the Police and Crime Commissioner's Office

- Where information is readily available in the public domain, the Commissioner's Office may decide to direct the Police and Crime Panel to the source of this information, instead of providing the information itself.

It is firmly expected that in the vast majority cases, requests for information will be complied with. Any refusal by the Police and Crime Commissioner to provide information will include full reasoning as to why this request falls within the criteria set out within the legislation.

Where a request for information falls partially within and partially outside these criteria, the Commissioner is committed to providing as much information to the Panel as can legally be shared.

**Where there is a dispute over the provision of information that cannot be resolved, a discussion will be convened between the Chairman of the Police and Crime Panel and the Commissioner. This discussion will explore both the reasons for refusal, and the reasons why the information has been requested by the Panel.**

**As a result of such a discussion, the Commissioner and the Panel could reach an agreement that either the request for information is partially met or that the information will be shared with the Panel so that it can fulfil its statutory role, but that this information will not be published or disseminated further. This is explored further below.**

#### **Requests for information to be exempt from public disclosure**

**There may be instances where the Commissioner provides information to the Police and Crime Panel, but requests that this information is exempt from public disclosure. Whilst the Commissioner recognises that the Panel has a duty to operate in an open and transparent manner, there is certain information which is sensitive in nature, and which would not be appropriately released in the public domain.**

**The publication of reports or recommendations to the Kent and Medway Police and Crime Panel is subject to the exclusion of any exempt of confidential information as defined in the rules on access to information in the Local Government Act 1972 (as amended).**

**Police and Crime Panel meetings may include a closed session during which any sensitive information and material can be discussed. Requesting that information is exempt from public disclosure will, however, be the exception rather than the rule and any requests will be made with due regard to both the Commissioner and Panel's firm commitments to openness and transparency. The final decision on whether information or a particular item is exempt rests with the Panel following a recommendation by the Clerk to the Panel.**

## 5. Attendance at Police and Crime Panel Meetings

The Police and Crime Panel can require that the Commissioner attends a meeting of the Panel to answer questions which the Panel considers necessary in order to carry out its duties. Whilst the Commissioner is required to respond to the Panel’s questions, as per section 4 above, the Commissioner may refuse to provide information on matters that fall outside of the function of the Police and Crime Panel. For instance, the Police and Crime Commissioner could not be expected to comment on operational policing.

Senior members of the Commissioner’s staff can also be required to attend a meeting of the Panel and to answer questions posed by Panel members. In responding to questions posed by the Panel, Members of staff of the Office of the Commissioner are not required to disclose any advice provided to the Police and Crime Commissioner.

Where the Panel requires that the Commissioner and/or their senior staff attend a Panel meeting, they will provide the Commissioner’s Office with 15 working days notice of the requirement to attend. This notice to attend will state the nature of the item on which they are required to give account and any papers that the Panel has requested.

Where the Panel requests that a member of the Commissioners’ staff, other than the Chief Executive or Chief Financial Officer attends a meeting of the Panel to respond to questions, that request will be discussed with the Chief Executive. Whilst senior staff of the Police and Crime Commissioner might frequently be required to attend, junior staff such as Support Clerk and Admin Support Assistant would only be required to attend in exceptional circumstances.

If the Panel requires the Commissioner to attend before it, it can also request that Chief Constable attends before the Panel on the same occasion, to answer any questions relevant to the discharge of its functions. The Panel cannot require that the Chief Constable attends. Further, if the Commissioner is not present the Panel cannot request that the Chief Constable attends. In requesting that the Chief Constable attends a meeting of the Panel, the Panel is committed to having due regard to its duty to scrutinise the actions and decisions of the Police and Crime Commissioner, not those of the Chief Constable.

The Panel may also request the attendance of other key stakeholders to discuss issues of local concern and to answer questions.

Summary of Panel attendance requirements:

	Require Attendance	Request Attendance
Police and Crime Commissioner	✓	
Staff of Commissioner’s Office	✓	

Chief Constable		✓
Other Stakeholders (e.g. Community Safety Partners)		✓

## 6. Confirmation Hearings

The Police and Crime Panel will hold a confirmation hearing for all senior appointments made by a Police and Crime Commissioner. It also has the power of veto over the Commissioner's proposed appointment of a Chief Constable.

### i) Senior Appointments

A Police Crime Commissioner must notify the Police and Crime Panel of each proposed appointment of:

- The Commissioner's Chief Executive
- The Commissioner's Chief Finance Officer
- A Deputy Police and Crime Commissioner

The Police Reform and Social Responsibility Act specifies that this notification should include the name of the candidate, the criteria used to assess the suitability of the candidate, why the candidate satisfies these criteria and the terms and conditions upon which they are to be appointed.

Upon notification of a proposed appointment, the Panel must hold a public confirmation hearing to review the proposed appointment. The Panel can request that the proposed candidate appears at the confirmation hearing to answer questions. Following the confirmation hearing, the Panel must make a report to the Commissioner that includes a recommendation as to whether or not the candidate should be appointed. The Panel must comply with these requirements within three weeks of the notification of the proposed appointment.

The Commissioner's Office is committed to ensuring that the Panel has sufficient information to make a proper judgement on the proposed appointment and will therefore share additional information ahead of the confirmation hearing, including (where appropriate):

- The person specification and job description for the post
- The application form of the nominated candidate
- A report from the Commissioner as to why they are the most suitable candidate
- The salary and rewards package offered
- Any declared interests by the candidate
- Details of any equality monitoring information on the recruitment process

For each senior appointment, the Commissioner will also extend an invitation to the Police and Crime Panel for a representative to be involved in the appointment process in an observer capacity. This is both to aid the Panel's scrutiny of the proposed appointment and to provide reassurance regarding the transparency of the process.

As the appointment of a Deputy Police and Crime Commissioner is a personal appointment, there may not be a formal appointment process. In such a case, the Commissioner will provide a full report to the Panel explaining the candidate's suitability, which addresses the statutorily required information.

## **ii) Chief Constable Appointments**

The Police and Crime Panel has the right of veto regarding the appointment of the Chief Constable and a process of confirmation must take place for the post, similar to that for other senior appointments. The Panel has a period of three weeks from notification of an appointment of Chief Constable to hold a confirmation hearing, review the proposed appointment and report to the Police and Crime Commissioner.

The Confirmation hearing held by the Panel must be in public, and the Panel can request that the proposed candidate appears to answer questions relating to the appointment. This may either be in person or by some other means that enables the candidate to hear, and be heard in the proceedings.

Having reviewed the proposed appointment of Chief Constable, the Panel may decide to veto the appointment. In such an instance, the Panel's report to the Commissioner must include a statement to this effect.

If the Panel vetoes the appointment, the Commissioner must not appoint the proposed candidate as Chief Constable. The Commissioner must instead propose another person for appointment, referred to as the 'reserve' candidate. The Commissioner proposes this candidate by notifying the Panel of:

- The name of the reserve candidate
- The criteria used to assess the suitability of the reserve candidate for the appointment
- Why the reserve candidate satisfies those criteria
- The terms and conditions on which the reserve candidate is to be appointed.

The Panel must review the proposed appointment of the 'reserve' candidate and report to the Commissioner within three weeks of notification. This report must include a recommendation to the Police and Crime Commissioner as to whether or not the reserve candidate should be appointed. The Panel does not have a second right of veto.



## APPENDIX A: Schedule of Information to be shared

### i) By the Kent Police and Crime Commissioner

Information to be Shared	Timescale / Date
Police and Crime Plan	By 1 <sup>st</sup> February (annually)
Annual Report	Within 8 weeks of financial year end
Proposed Policing Precept	By 1 <sup>st</sup> February (annually)
Outcomes of Budgetary Consultation	By 1 <sup>st</sup> February (annually)
Budget and Medium Term Financial Plan	By 1 <sup>st</sup> February (annually)
Recorded Complaints against the Commissioner's Office	Within 3 days of receipt
Register of all complaints	On request
Register of all decisions taken by PCC	Quarterly or on request
Key decisions to be taken by PCC	Notice 5 working days prior to decision
Forward plan of decisions to be taken	As available
Performance Report	On production
Consultation and Engagement Strategy	Annually
Consultation Findings	Annually
Programmed dates of Public Meetings	Annually
Requests for ad-hoc information	Within 15 working days
Response to Panel report / recommendations	Within 20 working days of receipt
Give evidence at a Panel meeting	15 working days notice
Notification of Senior Appointment	As necessary

### ii) By the Kent and Medway Police and Crime Panel

Information to be Shared	Timescale / Date
Dates of Police and Crime Panel meetings	Annually

Draft Police and Crime Panel Meeting Agendas	Prior to publication
Minutes of Police and Crime Panel Meetings	Prior to publication
Significant media statements to be made by Panel	As necessary
Reports on PCC Senior Appointments	Within 3 weeks of notification

## APPENDIX B: Decision Making Process

### Policy on the making and recording of the Commissioner's formal decisions, including those of significant public interest

Following on from discussions in a governance forum or elsewhere, there is a need to make sure that formal decisions are made in a way that is demonstrably transparent. This policy sets out how decisions that need to be made formally by the Commissioner are taken and documented.

The policy does not have the status of Standing Orders or anything of similar formality but provides a policy framework for everyone, including the public, to see how decisions are likely to be made and recorded. In the event that there was a challenge to a particular decision or to the decision-making process in a particular case this policy would be referred to as a general guide to how decisions are made

This policy describes the way in which a formal decision is finally taken and recorded. It does not form part of the governance or other discussion or review process which might be lengthy and would precede the making of a formal decision.

The policy principles are:-

1. **Transparency** - unless there are reasons for confidentiality, consistent with legislation, decisions and the supporting reasons should be publicly available.
2. **Openness** – subject to confidentiality, the most important decisions should be taken in a public forum and should be the subject of public engagement and consultation.
3. **Proportionality** – the administrative process should be proportionate to the nature of the decision being taken.
4. **Timeliness** – the process should enable timely decisions to be made.
5. **Auditable** – there should be evidence to demonstrate, if necessary, how the decision was made and what advice was taken.

Those seeking decisions would take an initial view of the nature of the decision and which of the following grades it best corresponds to. The Chief Executive must be consulted about all potential Grade 1 and Grade 2 decisions and will make the final decision about the grade of the proposed decision. In addition the Commissioner would be free to decide that he/she wished a matter to be dealt with at a higher grade than proposed.

In respect of Grade 1 and Grade 2 decisions requested by the Chief Constable there must be dialogue with the Chief Executive on the subject before a paper is put forward to the Commissioner.

### **Grade 1**

All decisions that are statutory requirements and cannot be delegated (e.g. setting a precept; adopting a Police and Crime Plan).

### **Grade 2**

- Other major decisions in which there is significant public interest;
- Decisions above the delegated financial limits (e.g. a major capital expenditure decision); or
- Decisions required to be published under the Elected Policing Bodies (Specified Information) Order\* for a reason other than that it involves expenditure above £500.

### **Grade 3**

Management decisions within the Office of the Commissioner that are not purely day-to-day business (e.g. revamping the website; arranging a series of roadshows).

### **Grade 4**

Day-to-day decisions

**The procedure is as follows:-**

### **Grade 1**

There will be a formal paper (using the Orange Pro Forma XXX) prepared in the name of the Chief Constable, Chief Executive or Commissioner's Chief Financial Officer as appropriate.

The paper must contain:-

- Recommendation
- Consideration
- Financial considerations
- Partner views
- Equality issues

If relevant it should also include

- Chief Executive/ Chief Financial Officer/Chief Constable comments
- Media handling issues
- Legal issues
- HR issues

- Estates issues
- Collaboration matters; and
- Any other relevant matters

The paper will be published on the website (unless the Chief Executive considers it is confidential\*\*) for at least 5 working days before the decision is taken unless there are reasons for urgency approved by the Chief Executive.

The Commissioner will have some dialogue with Force/Commissioner's officers/staff which (unless the paper is confidential\*\*) should be in a place to which the public can be admitted. The decisions and a note of the discussions with advisers (other than political advisers) will be recorded and subsequently published alongside the paper unless the discussion was held in private for reasons of confidentiality\*\*.

\*\* The Chief Executive's decisions on confidentiality will be guided by the provisions of the Local Government Act 2000 on exempt items, although this Act does not apply to the Commissioner.

## **Grade 2**

There will be a formal paper (using the Yellow Pro Forma XXXX) prepared in the name of the Chief Constable, Chief Executive or Commissioner's Chief Financial Officer as appropriate, and published on the website in advance of the decision. The paper must contain:-

- Recommendation
- Consideration
- Financial considerations
- Partner views
- Equality issues

If relevant it should also include

- Chief Executive/ Chief Financial Officer/Chief Constable comments
- Media handling issues
- Legal issues
- HR issues
- Estates issues
- Collaboration matters; and
- Any other relevant matters

The paper will be published on the website (unless the Chief Executive considers it is confidential\*\*) before the decision is taken

Any dialogue between the Commissioner and officers/staff would be at the Commissioner's discretion. Any discussion would be in a public place if, in the Commissioner's opinion, there was a demonstrable general public interest in the matter being considered.

## **Grade 3**

Once made, the decision will be formally recorded within the Office of the PCC and, if it involves expenditure of more than £500, the decision must be published. If expenditure is involved, there must be documentary evidence that the Commissioner was advised of the budgetary implications before the decision was made.

#### **Grade 4**

The Commissioner's decision must be minuted by a member of the Office. If it involves expenditure of more than £500, the decision must be published.

\*Decisions that are required to be published under the Elected Policing Bodies (Specified Information) Order are:-

- Appointment, salary and allowances of a Chief Executive
- Appointment, salary and allowances of a Chief Financial Officer
- The precept
- The proposed expenditure
- The Police And Crime plan
- The annual investment strategy
- Information as to each item of expenditure
- The policy in relation to the conduct of relevant office holders, including procedures for the handling of qualifying complaints and conduct matters (within the meaning of section 31 of the 2011 Act);
- The policy in relation to the making of decisions of significant public interest
- The policy of the elected local policing body in relation to records management,
- The policy of in relation to the handling of qualifying disclosures (within the meaning of section 43B of the Employment Rights Act 1996(4)).
- Independent custody visitors appointed under arrangements made under section 51 of the Police Reform Act 2002.

#### **Records of decisions**

A record of all decisions will be kept in the Office of the PCC. Grade 1 and Grade 2 decisions, together with all others required to be published, will be published on the Commissioner's website.

#### **Police and Crime Panel**

Documents relating to Grade 1 and Grade 2 decisions will be passed to the Police and Crime Panel at least 5 working days before the decision is made (unless they are considered confidential). The Panel will be notified immediately of all Grade 1 and 2 decisions (including confidential decisions) once they are made to enable the Panel to decide if they wish to review the decision.

A list of Grade 3 and Grade 4 decisions will be passed to the Panel on a quarterly basis.

The Commissioner will share any forward plan of decision-making with the Panel

## **Matters on which the Commissioner is required to be informed**

It will be open to the Chief Constable and Chief Executive to inform the Commissioner of any matter they consider appropriate.

In addition, there are requirements within the Scheme of consent for the Commissioner to be informed of certain matters. For these matters the following procedure will apply:-

- If the matter is a one-off the details of the decision should be put in note to the Chief Executive who will arrange for it to be shown to the Commissioner. The note must advise of the decision and provide very brief reasons or explanation. A file note will then be made that the Commissioner has been informed.
- If the decisions of a similar nature are taken regularly (e.g. settlement of claims) then periodic notes may be submitted to the Chief Executive. The period will be determined initially by the Chief Constable and Chief Executive but may be varied by the Commissioner.

It will be open to the Commissioner to request additional information on any matter of which he/she is informed.

**Policy Owner:** Chief Executive  
**Date Adopted:** 22 November 2012  
**Review Date:** 1 July 2013

## **APPENDIX C: Communications Protocol**

### **Communications Protocol for the Kent and Medway Police and Crime Panel and the Kent Police and Crime Commissioner**

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Summary: This protocol has been written as a basis for all public communications between the Kent and Medway Police and Crime Panel and the media. It also takes into consideration the sharing of information between the Kent and Medway Police and Crime Panel and the Kent Police and Crime Commissioner.

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#### **1. Introduction**

- 1.1 The Kent and Medway Police and Crime Panel (PCP) will act as a check and balance on the work of the <sup>3</sup>Police and Crime Commissioner. The Panel is made up of one representative from each of the 14 local authorities in the force area, a further four councillor representatives from the local authorities and two independent co-opted members.
- 1.2 Kent County Council is currently the host authority for the PCP.

#### **2. Protocol**

- 2.1 The Chairman of the PCP (except in his absence in which case the Vice Chairman) is the official spokesperson for the panel. This will only change if a specific spokesperson from the panel has been identified by the Chairman.
- 2.2 If a panel member wishes to present the views of their own Council this should be in line with their own authority's protocol for communicating with the media. A copy should be sent to the Kent County Council press office and the Communications Manager at the Office of the Kent Police and Crime Commissioner.
- 2.3 Kent County Council's press office will respond to day-to-day enquiries from the media by issuing statements and/or arranging interviews with members or officers as appropriate. This will take place following discussions with the Chairman and Vice Chairman of the Panel and Head of Democratic Services at Kent County Council. Any

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<sup>3</sup> Refer to the Police Reform and Social Responsibility Act 2011 and Policing Protocol.

contentious issues will be shared for information only purposes with the Commissioner's Communications Manager.

- 2.4 The media will be invited and are entitled to attend all formal public meetings of the panel unless matters of an exempt nature are to be discussed.
- 2.5 A nominated representative from Kent County Council will meet regularly with the Communications Manager from the Office of the Kent Police and Crime Commissioner to discuss up and coming meetings and arrangements.
- 2.6 Both the Panel and Commissioner will issue their own statements / comments following panel meetings.

### **3. Publication of Agenda and Minutes**

- 3.1 PCP agenda and minutes will be published on the host authority's website and a link sent to all other local authorities who appoint Members to the Kent and Medway Police and Crime Panel and other interested parties, including the Commissioner's office.
- 3.2 Dates of meetings and agenda items will be shared with the Commissioner's Office in advance including webcasting links. This information will then be publicised on the Commissioner's website and through other communications channels.
- 3.3 After the meeting any external communications will be shared in advance with the Commissioner's Communication Manager for information e.g. any planned interviews, announcement of key decisions, and timings to ensure a joined up approach.
- 3.4 The possibility of a dedicated Panel website can be explored as its role develops.

### **4. Recommendations**

- 4.1 The Kent and Medway Police and Crime Panel is asked to approve the communications protocol for Kent and Medway's Police and Crime Panel and the Kent Police and Crime Commissioner

### **5. Ownership of policy**

- 5.1 This policy is jointly owned by the Kent Police and Crime Commissioner and the Kent and Medway Police and Crime Panel. This policy is subject to review in March 2013.