

SHADOW KENT AND MEDWAY POLICE AND CRIME PANEL

AGENDA

Dear Councillor

Notice is hereby given that a meeting of the **SHADOW KENT AND MEDWAY POLICE AND CRIME PANEL** will be held in the **Darent Room, Sessions House, County Hall, Maidstone** on **Wednesday, 7th November, 2012, at 10.00 am** when the following business will be transacted

Members of the public who require further information are asked to contact Anna Taylor 01622 694764

Membership

Councillor Gerry Clarkson	Ashford Borough Council
Councillor Pat Todd	Canterbury City Council
Councillor Jeremy Kite	Dartford Borough Council
Councillor Sue Chandler	Dover District Council
Councillor John Burden	Gravesham Borough Council
Mr Mike Hill	Kent County Council
Councillor Annabelle Blackmore	Maidstone Borough Council
Councillor Mike O'Brien	Medway Council
Councillor Peter Fleming	Sevenoaks District Council
Councillor Hugh Barker	Shepway District Council
Councillor John Morris	Swale Borough Council
Councillor Clive Hart	Thanet District Council
Councillor Mark Rhodes	Tonbridge and Malling Borough Council
Councillor John Cunningham	Tunbridge Wells Borough Council

1 Declarations of Interests by Members in Items on the Agenda for this Meeting

2 Minutes of the Meeting held on 24 July 2012 (Pages 1 - 6)

3 Draft Information Sharing Agreement (Pages 7 - 24)

Ms Kayleigh Nicholson, Programme Manager for PCC Transition, Policy Officer, Kent Police Authority will attend the meeting to answer Members' questions on this item.

4 Complaints policy (Pages 25 - 40)

Ms Laura Steward, Policy and Research Officer, Kent Police Authority will be attending the meeting to answer Members' questions on this item.

Peter Sass
Head of Democratic Services
(01622) 694002

Tuesday, 30 October 2012

KENT COUNTY COUNCIL

SHADOW KENT AND MEDWAY POLICE AND CRIME PANEL

MINUTES of a meeting of the Shadow Kent and Medway Police and Crime Panel held in the Darent Room, Sessions House, County Hall, Maidstone on Tuesday, 24 July 2012.

PRESENT: Mr P M Hill, OBE (Chairman) Kent County Council, Cllr M O'Brien (Vice-Chairman) Medway Council, Cllr H Barker, Shepway District Council, Cllr Mrs A Blackmore, Maidstone Borough Council, Cllr Mrs S Chandler, Dover District Council, Cllr Mrs I Johnston, Thanet District Council, Mr J A Kite, MBE, Dartford Borough Council, Cllr M Rhodes, Tonbridge and Malling Borough Council, Cllr P Fleming, Sevenoaks District Council, Cllr G Clarkson, Ashford Borough Council and Cllr P Todd, Canterbury City Council

ALSO PRESENT: Mr G Hooper (Chief Executive, Kent Police Authority) and Ms K Nicholson (Programme Manager for PCC Transition, Kent Police Authority)

IN ATTENDANCE: Mr P Sass (Head of Democratic Services) and Mrs A Taylor (Research Officer to Cabinet Scrutiny Committee)

UNRESTRICTED ITEMS

5. Minutes of the Meeting held on 10 May 2012

(Item 2)

- (1) It was confirmed that named substitutes for elected and co-opted members could be appointed to the Kent and Medway Police and Crime Panel and notified to the Head of Democratic Services at KCC. This was also set out within the Panel Arrangements at paragraph 5.1.
- (2) RESOLVED that the minutes of the meeting held on 10 May 2012 are correctly recorded and that they be signed by the Chairman as a correct record.

6. Presentation Graham Hooper (Chief Executive KPA) PCP/PCC

(Item 3)

- (1) Mr Graham Hooper, Chief Executive of Kent Police Authority presented to Members on the roles, responsibilities and statutory duties of the Police Crime Commissioner and the Police and Crime Panel.
- (2) Mr Hooper referred Members to the Policing Protocol Order 2011 and the Shadow Strategic Policing Requirement November 2011 which he undertook to circulate to members of the panel. POST MEETING NOTE: These documents were circulated to members on 25 July 2012.
- (3) Mr Hooper's presentation was circulated to members on 25 July 2012 and is also attached as an Appendix for information.

7. Terms of Reference/Panel Arrangements/Rules of Procedure

(Item 4)

- (1) Members requested that the para 2.2 of the Panel Arrangements be amended to read: The Police Crime Commissioner (PCC) and *their deputy* cannot be a member of the PCP.
- (2) Following the meeting of the Shadow Police and Crime Panel, the approval of the Secretary of State would be sought for the co-opted councillor members.
- (3) Referring to para 2.5 (c) of the Panel Arrangements Members considered that in making their appointments to the Kent and Medway Police and Crime Panel the leaders of each authority should be asked to ensure that his or her appointed member(s) has the skills, knowledge and experience necessary for the Panel to discharge its functions effectively as set out in the Terms of Reference.
- (4) Para 4.7 of the Panel Arrangements should be removed. It was agreed by the Shadow Panel that the Independent Members of the Panel would be recruited through an advert and application process rather than approaching specific bodies. Note: *Para 4.7 previously read: Where the appointed Independent Member is an expert the nominating body may change their nominee at any point and on doing so shall give notice to the Head of Democratic Services (KCC)*
- (5) Para 6.2 of the Panel Arrangements should be amended to read: ...all councils will *be invited to* contribute equally towards the actual costs incurred by the Host Authority.
- (6) Para 6.3 of the Panel Arrangements should be amended to read: ... In the event of the PCP being wound up the Host Authority will *be invited to* defray and recover from the other members any associated costs...
- (7) The Police and Crime Panel would meet in public unless matters of an exempt nature were to be discussed. The Panel would be invited to consider webcasting its meetings when it meets formally in November 2012.
- (8) A Member queried whether a Commissioner could continue in post if he/she was declared bankrupt. Following guidance from the electoral commission paragraph 18.6 will be added to the Procedure Rules to read the following:

18.6 Bankruptcy in itself is not a disqualification. If the PCC has been bankrupt he/she is not disqualified from standing for election or remaining a PCC on that basis. Only those who are subject to a bankruptcy restrictions order or interim order, a debt relief order or interim order, or a debt relief restrictions undertaking are disqualified from standing for election or remaining as a PCC.

RESOLVED that:-

1. Subject to the amendments noted above the Shadow Police and Crime Panel agree the Terms of Reference, Panel Arrangements and Procedure Rules.
2. Kent County Council, Medway Council and all District Councils in Kent be asked to obtain agreement to these arrangements and rules to enable the PCP to be formally constituted by November 2012.

8. Formula Setting out Panel Membership - To Follow (Item 5)

- (1) It had previously been agreed by the Shadow Panel that the Kent and Medway Police and Crime Panel would consist of 20 Members.
- (2) 15 seats would be leader appointments, which included an additional seat for Medway Council in recognition of the geographical makeup of Kent. Three additional seats (top-up seats) would ensure that the panel represented the political makeup of the relevant local authorities (when taken together).
- (3) Members discussed the question set out in point 4.2 of the paper and although there were differing views came to a consensus that a nominee of the leader should be counted as a representative of the political group of which he/she is a member.
- (4) It was also agreed that the county political associations would be advised of the number of top up seats allocated to their party and be asked to decide which local authorities should be asked to nominate. It is then for the local authority to nominate a named councillor to enable the panel to consist of 13 conservative councillors, 3 labour and 2 liberal democrats, reflecting the political makeup of Kent and Medway as at 24 July 2012.
- (5) Members agreed that the membership of the Panel should be reviewed annually.

RESOLVED that:-

1. the Kent and Medway Police and Crime Panel should consist of 20 members. 18 councillor members and two compulsory independent members. 15 of the councillor members (one from each district, one from KCC and two from Medway) should be leader appointments and the three top-up members should be requested from all political associations in the county to meet the political balance objective; and
2. Membership of the Kent and Medway Police and Crime Panel should be reviewed annually.

9. Appointment of Independent Co-opted Members (Item 6)

- (1) Members discussed the recruitment process for the two compulsory independent persons on the Kent and Medway Police and Crime Panel.
- (2) Concerns were raised around the Shadow Panel appointing the independent persons for the formal Panel. However the timescale was short and there

was nothing precluding the Shadow Panel from appointing the independent persons.

- (3) Members agreed that a small sub-group should be set up to begin the appointment process for the independent persons. The sub-group would consist of the Chairman (Mr Mike Hill) and Vice-Chairman (Cllr Mike O'Brien) of the Shadow Panel along with Councillors Annabelle Blackmore and Gerry Clarkson.
- (4) Following discussion with the sub-group of the Shadow Panel an advert, in line with the Local Government Association example included within the agenda papers, would be circulated to all districts, Medway Council and Kent County Council inviting applications for the role of one of the two independent persons on the Panel and also posted on relevant websites.
- (5) The sub-group would then shortlist the applications and interview prospective candidates before reporting back to the Shadow Panel to appoint the final two persons.

RESOLVED that:-

1. A sub-group be formed of the Chairman and Vice-Chairman of the Shadow Panel and Councillors Annabelle Blackmore and Gerry Clarkson;
2. An advert be placed with the Borough and District Councils, Medway Council, Kent County Council and on relevant websites;
3. The sub-group be asked to shortlist the applications, interview the prospective candidates and report back to the full Shadow Panel to make the appointments.

10. Code of Conduct for PCP Members

(Item 7)

- (1) The report before the Shadow Panel suggested that the Elected Members on the Panel should be bound by their respective authority's Code of Conduct on the basis that they were appointed to the Panel by their respective authorities and that the two independent members should be asked to abide by the Cabinet Office Code of Conduct for Board Members of Public Bodies.
- (2) After discussion Members agreed that as Police and Crime Panel members they would sign up to the Code of Conduct for Board Members of Public Bodies in addition to the code of their own authority which they were already bound by as councillors

POST MEETING NOTE as 'co-opted' members of the Panel the two independent members must abide by the Code of Conduct adopted by the local authority but the Panel will need to decide which local authority code will apply as there are several different codes.

RESOLVED that:-

1. Elected members on the Panel be bound by their respective authority's Code of Conduct as well as signing up to the Code of Conduct for Board Members of Public Bodies

2. As co-opted members onto the Panel the two independent members must abide by the Code of Conduct adopted by the local authority, the Panel should decide which local authority code will apply.

11. Communications Protocol

(Item 8)

RESOLVED that the communications protocol for the Kent and Medway Police and Crime Panel be agreed as circulated.

12. Work programme for the Police and Crime Panel

(Item 9)

(1) The work programme would be revised for the next meeting on 4 October.

RESOLVED that the work programme for the formal panel be noted.

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From: Kayleigh Nicholson – Policy Officer, Kent Police Authority
To: Shadow 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

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

Unrestricted

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 The draft Information Sharing Agreement attached at Appendix 1 has been prepared in advance of the arrival of the Police and Crime Commissioner to ensure that both the Commissioner and Panel are able to discharge their duties effectively from day one. As a draft document it is subject to amendment, following consideration by both the Commissioner-elect and the Police and Crime Panel.
- 1.3 Suggested timeframes for the sharing of information within the Agreement are based on the stated timescales within the Shadow Police and Crime Panel's existing governance framework or are based upon existing good practice.

2. Recommendations

- 2.1 The Shadow Police and Crime Panel is asked to consider and comment upon the proposed Information Sharing Agreement that is attached at Appendix 1.
 - 2.2 Following consideration by the Police and Crime Commissioner, the Kent and Medway Police and Crime Panel will be asked to formally ratify the Information Sharing Agreement at its inaugural meeting.
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Appendices:

Appendix 1 – Draft Information Sharing Agreement

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DRAFT

Information Sharing Agreement

between the

Kent Police and Crime Commissioner

and the

Kent and Medway Police and Crime Panel

Version 1
October 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

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

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 Police and Crime 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 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.

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 1st 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 anticipated that this will typically be submitted to the Panel for review and recommendations at its June meeting.
- 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 for the appointment of a Chief Executive, Chief Finance 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. 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.

- Performance reports

The Commissioner will provide the Panel with information regarding the performance of both Kent Police and partner agencies on a monthly basis. 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.

- 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.

– Date 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.

The Panel does not have any powers to request information from the Force (other than general rights under the Freedom of Information Act). It is agreed that the Panel will only seek information from the Office of the Commissioner not directly from the Force.

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, the Commissioner and their Office recognise that the Panel may require wide-ranging information. This information may also take many different forms, including evidence, data or a written report to a Panel meeting. The process for dealing with general requests of this nature is set out below.

Process for dealing with general requests for information

The process for dealing with requests for information by the Panel will be as follows:

- 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 confirmed¹), who will act as the single point of contact for the Panel.

¹ 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'.

- 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 PCC'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 Chair 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.
- 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.
- Media Statements and Communications by the Panel
Following Panel meetings, both the Panel and Commissioner will 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 B. A nominated representative from the Press Office that supports the Panel will meet regularly with the PCC'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.
- 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

i) Refusing to provide information to the Police and Crime Panel

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.
- i) 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 any previous information has been provided on the same topic and whether 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

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 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.

Process for Dispute resolution

Where there is a dispute over the provision of information that cannot be resolved, a discussion will be convened between the Chair 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 in section ii) below.

ii) 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 not published or 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.

Any request for information to be exempt from public disclosure would include full justification, and where possible would be based on the relevant section of 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.

Members of the Commissioner’s office 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 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. In extraordinary circumstances, it may not be possible for the Panel to provide 15 working days notice of a requirement to attend to provide evidence. In such circumstances, the Commissioner and their office will make every effort to ensure attendance, and where necessary, a Panel’s meeting date may be altered.

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 the Support Clerk and Admin 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. 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.

Summary of Panel attendance requirements:

	Require Attendance	Request Attendance
Police and Crime Commissioner	<input type="checkbox"/>	
Staff of Commissioner’s Office	<input type="checkbox"/>	
Chief Constable		<input type="checkbox"/>
Other Stakeholders (e.g. Community Safety Partners)		<input type="checkbox"/>

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 political appointment and is not necessarily on merit, 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 notify 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 st February (annually)
Annual Report	June (annually)
Proposed Policing Precept	By 1 st February (annually)
Outcomes of Budgetary Consultation	By 1 st February (annually)
Budget and Medium Term Financial Plan	By 1 st 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 days prior to decision
Performance Report	Monthly
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 one month 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: Communications Protocol

Communications Protocol for the Police and Crime Panel and the Office of the Kent Police and Crime Commissioner

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

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 ²Police 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 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. Any 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 Refer to the Police Reform and Social Responsibility Act 2011 and Policing Protocol.

- 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 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 Shadow Police and Crime Panel is asked to approve the communications protocol for Kent and Medway's Police and Crime Panel and the Office of the Kent Police and Crime Commissioner

5. Ownership of policy

- 5.1 This policy is jointly owned by the Office of the Kent Police and Crime Commissioner and Kent County Council. This policy is to be submitted for review in March 2013.

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Paper for Shadow Panel- complaints

Issues and options

Introduction

1. Following the brief information outlined Section 3, paragraph 2(b) of Schedule 7 of the Police Reform and Social Responsibility Act 2011, the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012¹ were released.
2. These Regulations set out how Police and Crime Panels would consider complaints against Police and Crime Commissioners, and their Deputies. The legislation as pertains to London and the Mayor's Office for Policing is slightly different, and those sections of the Regulations will not be considered here.
3. The aim of this paper is describe to members of the Shadow Panel what will be required of the Panel in terms of handling complaints; the various issues that need to be considered in order that decisions can be made about arrangements for managing complaints; and suggests a complaints process for members.

Complaints in Policing and Local Government

4. The manner in which complaints are dealt with is governed by a significant amount of legislation in policing: it is a highly prescribed, technical area. However, at the same time, the aim of the complaints system is to deliver resolution as quickly and effectively as possible for the majority of complainants through local resolution.
5. It is also quite a different arrangement to the manner in which complaints against elected members of local authorities are handled. It should be noted that since the introduction of the Localism Act, which has simplified and localised the system in local government, this disparity is even more evident.
6. The 2012 ELPB Regulations are deliberately based upon the Police Reform Act 2002 and the Police (Complaints and Misconduct) Regulations 2004² as opposed to any piece of Local Government legislation, which may well mean that they feel unfamiliar to local authority colleagues.
7. The introduction of a complaints system that is based on legislation relating to Police Forces, but to be administered by a local government committee, in relation to the holder of a newly-established political post has the potential to be problematic and confusing. This is true for both the public sector bodies involved and the general public. Therefore close working between the Panel and its administrators and the Office of the Commissioner (OPCC) is vital, as is making the process as clear as possible, and accessible, to the public.

¹ Hereafter ELPB Regulations

² Please see section 7.4 of the Explanatory Memorandum to these Regulations

Complaints against the Commissioner: policies

8. Members will find attached the Policy for the Office of the Police and Crime Commissioner, with associated diagram, and a proposal for a policy to be adopted by the Panel, with associated diagram.
9. These are currently separate for two reasons. Firstly, it allows greater clarity and clearly delineates the roles of the two bodies; however, this is based on the proposal that the Panel delegate some of its responsibilities to the Chief Executive of the OPCC, as it is entitled to do under the Regulations. Secondly, the policy for the OPCC is to a larger extent a matter for the OPCC to decide, whereas the method for locally resolving complaints by the Panel is of course a matter for the Panel itself.
10. There are a significant number of issues to be discussed and decided upon below. Whilst accepting that the Shadow Panel, and the Police Authority cannot tie the hands of the Police and Crime Panel and the Police Commissioner, there must be an effective complaints system in place from day one. It is therefore proposed that the decisions are taken, but a date be agreed when the system can be reviewed and revised in line with the Panel and Commissioner's decisions.
11. In relation to the OPCC's policy, members may wish to consider the following issues.
12. Would the Panel wish to delegate responsibility for initial handling to the OPCC's Chief Executive/Monitoring Officer?
There are several positive issues to consider, namely that the OPCC has the experience and the capacity to do so. It should also be noted that the suggestion from Government (outlined at 7.10 of the Explanatory Memorandum) is that this should take place. However, there is the issue of negative public perception- how would it look to the general public if the Commissioner's own Chief Executive were recording complaints against their 'boss'?
However, an organisation recording complaints against itself is in fact the norm in both local government and in the Police.
13. If the Chief Executive were to record complaints, what procedures would the Panel want to put in place to meet its statutory responsibilities and ensure public confidence?
The Panel is required, under section 34 of the Regulations, to keep a record of everything that is, and is purported to be, a complaint about the Deputy or Commissioner. However, if the Chief Executive of the OPCC will receive all of the complaints, and the Panel has the power to delegate all functions (except the resolution of complaints), it may be a practical measure to delegate this function to the Chief Executive as well.
In that instance, the Panel may, for example, wish for a monthly record of all complaints, or at some other agreed frequency; it may wish to dip sample all records to see which ones were not being recorded or being disappplied, and why; or some other arrangement to be decided upon.

14. In relation to the suggested procedure for the Panel to follow, members may wish to consider the following issues:

15. How does the Panel wish to organise and administer locally resolving complaints?

- It can be the responsibility of the panel itself;
- It can be the responsibility of a sub committee of the panel, which could take its own decisions or recommend to the main panel;
- It can be the responsibility of one member of the panel (or several members) who could take their own decisions or make recommendations to the panel;
- It can be the responsibility of an officer;
- And the complaint can also be referred 'up' or 'down' from the sub committee to the Full Panel and vice versa, as appropriate.

The paper before members suggests that a sub committee of the panel may be the best approach. This is on the grounds that if the full panel were involved, this would delay matters significantly, which would be in opposition to the spirit of local resolution. A sub committee carrying out the consideration of complaints against members or senior officers is also the norm in local authorities and the Police.

16. Given the above, members may also want to give consideration to the suggested timings in the process. The Panel may also wish to consider setting any dates for a sub committee to consider complaints in advance, in line with standard practice for local authority committees and to ensure the swift resolution of complaints.

Local resolution

17. The legislation only provides for the Panel to locally resolve a complaint, and specifically rules out any 'investigation' of a complaint. Whilst not used in local government, local resolution is a central tenet of the Police Complaints process.

18. The ethos of local resolution is that it provides a prompt, effective method of resolving a complaint, which satisfies the individual and ensures that the behaviour (either on an individual or organisational level) is not repeated. There is no prescribed method, as each case is taken on its merits. It is proven that this method- as opposed to becoming involved in the 'full' complaints process- is more likely to lead to a satisfactory resolution for all parties.

19. Whilst there is no set process, the Independent Police Complaints Commission suggest that local resolution could include:

- immediate resolution by providing information face-to-face or by telephone
- a letter explaining what has been done
- communication between the individual and the person the complaint was about
- a meeting with the person working on the complaint and/or the person the complaint was about (but only if this is agreed by all parties).

and that the result could be to:

- give the individual information or an explanation to clear up a misunderstanding
- apologise on behalf of the organisation
- learn from the complaint, accepting that something could have been handled better and explaining what has been done to stop the same thing happening again
- arrange action by a manager to change the way the person behaves
- apologise on behalf of the person the complaint was about, but only if they agree to this.
- provide training, advice or other support to the person complained about

20. However, this is not a definitive list, and some of the methods (such as immediate resolution) are more suited to complaints made in person at a Police Station, as opposed to ones made against the Commissioner.

Other issues of note

21. When first considered, it would appear that the process for considering complaints may be rather lengthy. However, members should be aware that the later stages (marked off on the diagram by the dashed line) would, in all likelihood, be very rarely used.
22. Drawing on the Kent Police Authority's experience in these issues, it is estimated that of all the complaints made against the Commissioner, a significant proportion would not actually be a complaint that could be recorded under the legislation, and therefore not in fact reach the Panel.
23. Of the ones that do, it would be expected (especially given the focus on locally resolving the complaint quickly and effectively) that the majority would be dealt with by the sub committee considering the matter and explaining the issue to the complainant.
24. However, it is necessary to build a process which is capable of considering the more serious, but infrequent complaints against the Commissioner.
25. The first bullet point under the 'disapplication' section of the policy for the OPCC states that a disapplication is applicable if "*the complaint is concerned entirely with the conduct an elected individual who was working in their capacity as a member of staff at the time of the alleged conduct.*" This is to cover the Deputy Commissioner, as they are both an appointee of the Commissioner and a member of staff. If the complaint concerns any actions by the Deputy when acting in his/her political role, it will be a matter for the Panel; if as a member of staff, for the OPCC. There is the potential for blurred distinctions in this area, and where it is not a clear cut case, it is suggested that the OPCC and officers from the Council discuss the matter.
26. The definition of a serious complaint is one where an allegation is made of conduct which constitutes a criminal offence.

27. Members will also note that, unusually, there is no process of appeal. Whilst it has not been made explicit, this would appear to reflect that, save for incidences of criminality, it is for the electors to decide the fate of the Commissioner, and that they should not be tied up with less serious matters.
28. It should be noted that the Regulations specifically prohibit the Panel from issuing an apology on behalf of the person complained about, unless that individual agrees to do so.

Organisational learning and the broader process

29. As members will be aware, the complaints process should be an integral part of the organisation, and a tool for organisational learning. Members may therefore want to give some consideration to how that will apply in this instance.
30. The Panel may wish, for example, to produce annual reports, or to produce a specific report to the OPCC to highlight areas for organisational or individual learning, and request that they be actioned and a response provided.
31. However, it should be noted, as at point 7, that this is a new and untested system. Whilst this paper aims to set out the basic issues, and makes some proposals, it is likely that this will evolve over time. The Panel and the OPCC will undoubtedly learn through their experiences, and also be required to respond to changes in the legislation.

Decisions (or opinions to be given) to be taken by the Shadow Panel

The Panel is requested to make the following decisions:

- i. Does the Panel wish to delegate responsibility for initial handling to the OPCC's Chief Executive/Monitoring Officer?
- ii. What arrangements need to be made to revise the complaints system after a suitable period of time?

And to offer their views on:

- iii. The proposed policy as laid out for the OPCC;
- iv. The proposed policy as laid out for the Panel;
- v. If the OPCC Chief Executive were to record complaints, what, if any, oversight and recording procedures would the Panel want to establish?
- vi. How to ensure that the outcomes of the complaints process is used to inform organisational and individual learning and behaviour.

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Complaints against the Commissioner- OPCC Policy

This policy is to be read in conjunction with the 'Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012'

Any complaints made about the Police and Crime Commissioner for Kent are to be handled by either the Police and Crime Panel, or the Independent Police Complaints Commission.

Making a complaint

- A complaint is defined as "an expression of dissatisfaction by a member of the public." It covers matters of conduct (acts, omissions, statements, decisions), and those issues previously considered direction and control (organisational decisions, policies and procedures, and standards).
- A complaint does not have to be marked as such to be considered a complaint, nor does it need to be in writing.
- Where a complaint is made, it will be the duty of the recipient to send a copy of that complaint to the Panel/Commissioner's Chief Executive.
- Where the Panel has delegated the power of recording to the Commissioner's Chief Executive, the Chief Executive will make the decision whether to record the complaint.
- The names and addresses of the people to whom complaints should be directed should be shared between the Panel, the OPCC, and all other bodies who may reasonably be expected to receive a complaint relating to the Commissioner.

Recording a complaint

- The Panel/Chief will on receipt of the complaint, register its receipt and details.
- A decision will be taken whether to record the complaint formally.
- Where the complaint is recorded, copies of the record will be provided to the complainant and the person complained about. *If the Chief Executive has the delegated power to record the complaint, he/she will send a copy of the complaint to the named individual in the Panel.* The identity of the complainant may be kept anonymous.
- The Panel/Chief Executive may decide not to supply a copy of the complaint if they feel it would be against the public interest or could prejudice a criminal investigation.

- However, the Panel/Chief Executive, will not need to record the complaint if:
 - they are satisfied that the matter under consideration is being dealt with by criminal proceedings;
 - the complaint has been withdrawn
- In all cases, the complainant will be notified of the decision, and where the complaint is not being recorded, the grounds for this decision.
- There is no right of appeal against non-recording.
- A record will be kept of all complaints against the Commissioner, whether recorded or not.
- If the individual then chooses to withdraw the complaint, they must do so in writing to the Panel/Chief Executive.
- The Panel/Chief Executive will then take the steps required under section 16 of the Regulations.

Serious complaints and conduct matters, and referral to the Commission

- Any conduct matter, or conduct matter arising from civil proceedings brought by a member of the public, must be recorded by the Panel/Chief Executive
- Where a complaint is made that is deemed to be:
 - A serious complaint
 - A conduct matter, or conduct matter arising from civil proceedings brought by a member of the public
 - Or, where the Commissioner requires it
 Then the matter will be referred to the Commission.
- The presumption shall be made that if there is any doubt about whether the matter should be referred, it shall be.
- The matter will be referred as soon as is practicable, and within 24 hours in any case.
- The complainant and the person complained about¹ will be notified if the matter is referred to the Commission.
- Where a complaint is referred to the Commission, and the Commission determines that it requires an investigation to be carried out, this shall be done in accordance with Part 3 of the Regulations, and Part 2, section 8.

¹ The person complained about will not be informed if there is a belief that this may prejudice any possible future investigation

Disapplication

- The Panel/Chief Executive may decide, in certain circumstances, to handle or resolve a complaint differently to the policy set out below under 'Locally Resolving a Complaint'.
- If a complaint falls under the following categories:
 - the complaint is concerned entirely with the conduct of an elected individual who was working in their capacity as a member of staff at the time of the alleged conduct;
 - more than 12 months have elapsed between the incident, or the latest incident, giving rise to the complaint and the making of the complaint and either—
 - (i) no good reason for the delay has been shown, or
 - (ii) injustice would be likely to be caused by the delay;
 - the matter is already the subject of a complaint;
 - the complaint is made anonymously
 - the complaint is vexatious, oppressive or otherwise an abuse of the procedures for dealing with complaints;
 - the complaint is repetitious

And the Panel/Chief Executive believes that it would be best to handle the complaint outside of this policy, then they shall do so.

- This shall include taking no action in respect of the complaint.
- The Panel/Chief Executive shall notify the complainant of their decision
- There is no appeal against the decision to handle the complaints in this manner.

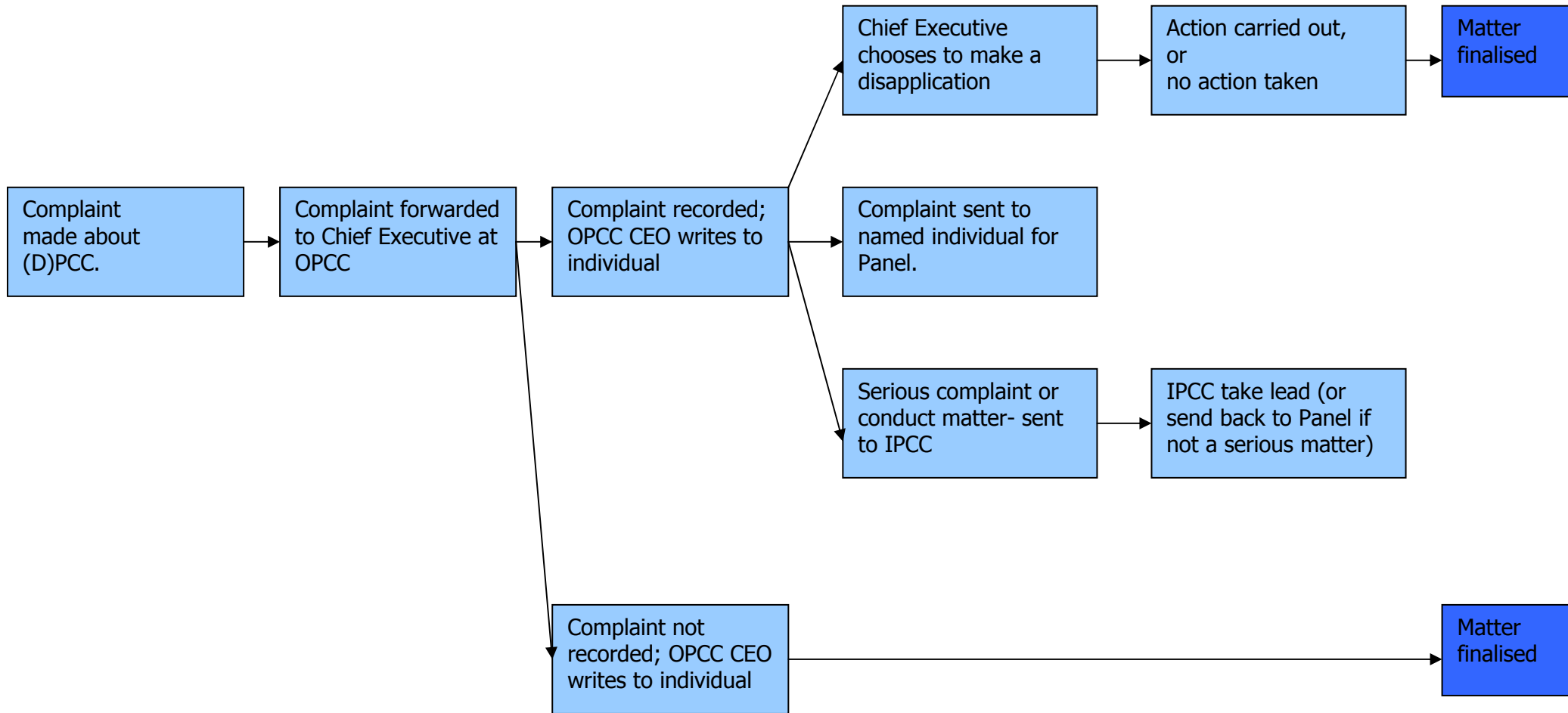
Locally resolving the complaint

- Where the Panel/Chief Executive has recorded a complaint, the Panel shall make arrangements to locally resolve the complaint.
- This shall be carried out as per Kent and Medway Police and Crime Panel's Policy.

Actions when the complaint is resolved

- When the complaint is finalised, the Panel will make a record of this. It shall be sent to the person complained about and to the complainant.
- The findings will only be made public if both parties are given the chance to comment on this proposal, and the Panel feels that it is in the public interest to publish the record.

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Panel- proposed policy

This proposal is based on the premise that the OPCC will receive and make the decision whether to record complaints, and then whether to disapply, and then pass the matter to the Panel based at KCC for it to be locally resolved.

- When the decision has been made to record a complaint, the Chief Executive of the OPCC will:
 - send a record of the complaint to the complainant and will include the contact details of the named individual at KCC
 - pass the record, and copies of all the associated paperwork, to the named individual for the panel. This will be no later than two working days after the complaint has been recorded.

- On receipt of the complaint, the NI will
 - convene a meeting of the sub committee of the Panel. This will be within three weeks of receiving the complaint.
 - write to the complainant, setting out timescales, and what they may expect from the process. They will also request that they comment on the matter, and give two weeks to respond.
 - write to the person complained about, and ask them to comment on the matter, giving them two weeks to respond.

- The NI will compile a brief report for the panel, setting out the pertinent details of complaint, and making suggestions for the next steps.

- The committee will first consider if any action needs to be taken. If not, it will record its reasons, and the NI will finalise the case, informing all the parties.

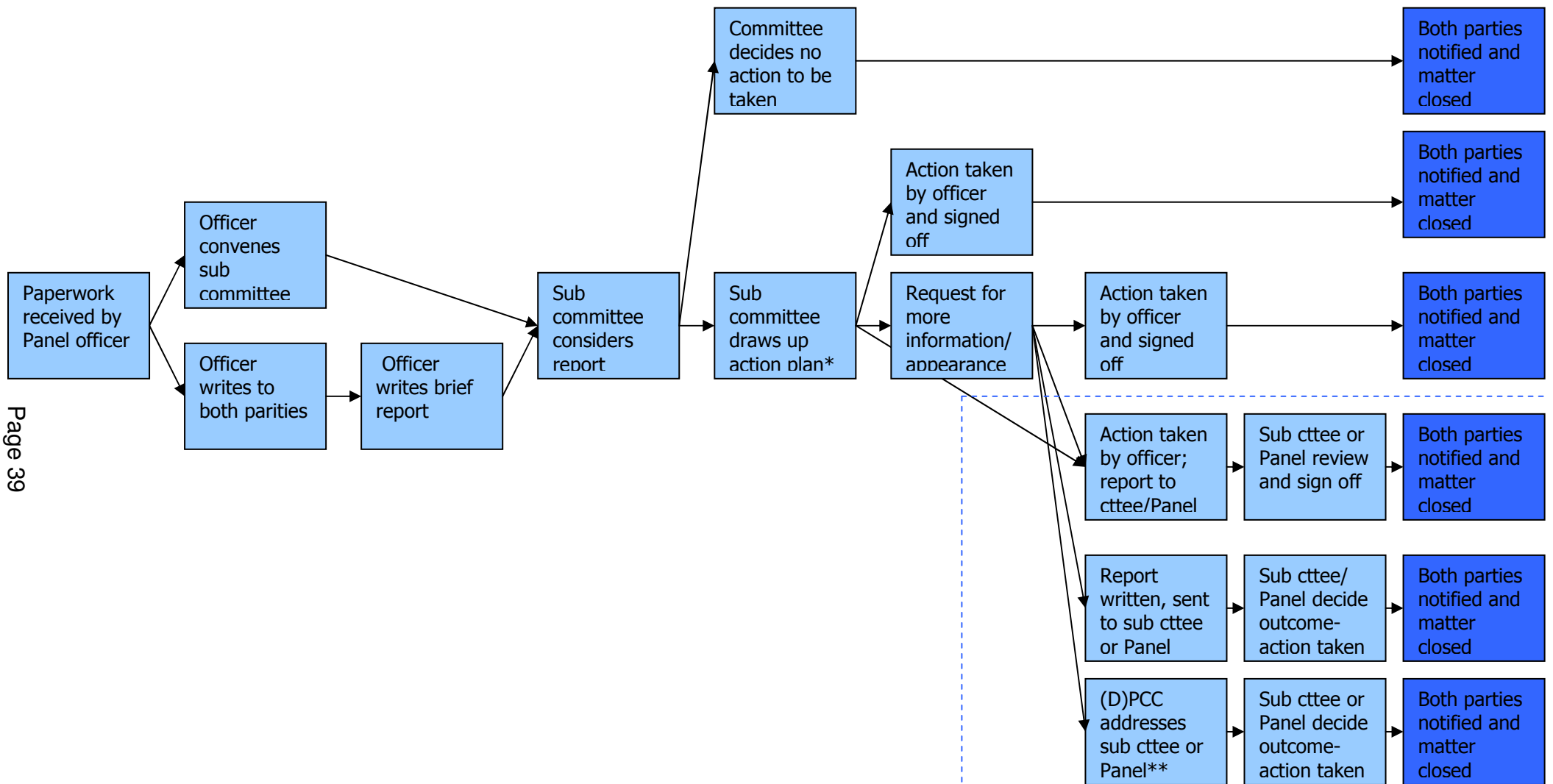
- If, on considering the report, the committee feels that the matter needs to be formally resolved, it will decide its course of action, and will suggest an action plan based on the local resolution principles. This plan will be drawn up by the NI. It will also include an indicative timeframe.

- The committee will also decide whether it wishes to
 - reconvene to consider the matter when the action plan has been completed
 - refer the matter to the Panel when the action plan has been completed
 - agree that the Chair of the sub committee be empowered to sign off the work
 - allow the NI to sign off the work

- For more straightforward complaints, the resolution of the complaint could be reached by the writing of, or commissioning of, an explanatory letter or phone call. After this letter had been sent, the matter would be closed.

- The plan may include (for example):
 - An explanatory letter being written by an officer of the Panel (or on behalf of the Panel)
 - An explanatory letter being written by an officer of the OPCC
 - A suggested change to OPCC policy
 - A request that an apology is tendered

- The plan may, in more serious cases, first require more information being collected from the OPCC/Commissioner (in addition to the response previously given) or that the Deputy/Commissioner be required to appear before the sub committee or Panel to provide an explanation and answer questions.
- Once the actions from the plan have been completed, the matter may be referred back to the sub committee or Panel, or signed off by the officer (or Chair).
- When completed, both parties will be notified and the matter closed.



* At this point, the committee would decide whether any future consideration of the issue would be by the committee or the Full Panel

** An appearance by the Commissioner in front of the Panel/sub committee would most likely be in addition to a request for further information and a report being drawn up.

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