



Police and Crime Panel

Date Thursday 5 December 2013
Time 1.30 pm
Venue Committee Room 1B, County Hall, Durham

Business

Part A

**[Items during which the Press and Public are welcome to attend.
Members of the Public can ask questions with the Chairman's
agreement]**

1. Apologies for Absence
2. Substitute Members
3. Declarations of interest, if any
4. Minutes of the meeting held on 29 October 2013 (Pages 1 - 4)
5. Proposed Appointment Of Chief Finance Officer - Report of Assistant Chief Executive (Pages 5 - 18)
6. Such other business, as in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Colette Longbottom
Monitoring Officer

County Hall
Durham
27 November 2013

To: **The Members of the Police and Crime Panel**

Durham County Council

Councillors J Armstrong, D Boyes, P Brookes, S Forster, L Hovvells, D Stoker
and A Willis

Darlington Borough Council

Councillors I Haszeldine, S Harker and B Jones

Independent Co-opted Members

K Larkin-Bramley and N Vaulks

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DURHAM COUNTY COUNCIL

At a Meeting of **Police and Crime Panel** held in Committee Room 1B, County Hall, Durham on **Tuesday 29 October 2013 at 1.00 pm**

Present:

Councillor L Hovvels (Chair)

Durham County Council:

Councillors D Boyes, M Dixon, S Forster, A Hopgood and A Willis

Darlington Borough Council:

Councillors I Haszeldine, L Hughes and B Jones

Independent Co-opted Members:

K Larkin-Bramley

1 Apologies for Absence

Apologies for absence were received from Councillors J Armstrong, P Brookes, S Harker and D Stoker.

2 Substitute Members

Councillor M Dixon attended as named substitute for Councillor P Brookes, Councillor A Hopgood attended as named substitute for Councillor D Stoker and Councillor L Hughes attended as named substitute for Councillor S Harker.

3 Minutes

The Minutes of the meetings held on 25 June and 17 September 2013 were confirmed by the Panel as a correct record and signed by the Chairman.

Referring to Minute No. 9 of the meeting held on 25 June the Overview and Scrutiny Officer reported that a Restorative Approaches Training Session had been arranged to take place on 26 November at County Hall between 1.00 p.m. and 3.30 p.m. Any Member interested in attending the session should inform the Overview and Scrutiny Officer.

4 Declarations of interest

There were no declarations of interest.

5 Budget Monitoring - 2013/14

The Panel considered a report of the Police and Crime Commissioner (PCC) which provided details of the performance of the 2013/14 revenue and capital budgets (for copy see file of Minutes).

Councillor Jones asked how many police officers were currently on military duty, and whether this was at any cost to the force. The Assistant Chief Officer, Durham Constabulary replied that currently there were 9 officers on secondment and that the force received full cost recovery for this.

Ms Larkin-Bramley referred to the current austerity measures and asked how the budget process for the next year would be undertaken. The Assistant Chief Officer replied that 2014/15 should have been the last year for austerity, however, austerity would now extend beyond this. The force had tried to produce 2-year budgets for a degree of reassurance and managers in force had been asked to examine officer and staff levels. Targets had been set for non-pay budgets such as estate, ICT and fleet. However, budgeting beyond the next couple of years would be more difficult because of changes outside of the control of the force, for example, changes to National Insurance payments. Ms Larkin-Bramley requested that the Panel be made aware if any budgetary concerns as they arose during the 2-year budget setting process.

The PCC informed the Panel that the budget process was made more difficult by the degrees of uncertainty, for example the projected underspend of £900,000 would be taken by the contribution to the IPCC budget. The PCC informed the Panel that it was his intention to increase the precept for the next financial year. Work was ongoing around collaborative projects and the PCC informed the Panel he was willing to give briefings on this outside of the meetings process.

Councillor Hopgood referred to the overspend in the revenue budget for legal fees and asked whether this was a one-off event or whether it had been an underestimation. The Assistant Chief Officer replied that this was a one-off event and related to legal fees which the PCC paid during investigations of officers. Such fees were difficult to plan and tended to be paid as and when they arose.

Resolved:

That the report be noted.

6 Police and Crime Plan 2013-2017 Update

The Panel noted a report of the Police and Crime Commissioner which provided details of the force performance with supporting commentary for the twelve months to the end of September 2013, compared with the twelve months to the end of September 2012. The report also provided details of work undertaken with a range of partners to take forward actions on the Commissioner's priorities (for copy see file of Minutes).

The Panel raised the following issues:

- Councillor Dixon welcomed and supported the recent comments made by the PCC and Chief Constable regarding drugs. He referred to parking problems in Newton Aycliffe and suggested dialogue with the County Council regarding joint funding arrangements to tackle the problem. The PCC replied that he was happy to enter joint funding arrangements wherever it was possible.
- Councillor Hopgood referred to local Councillors being stakeholders and referred to a recent surgery held in her Ward which she was unaware of. She also mentioned that work regarding Student v City issues was being done already and this may be useful for the PCC to be aware of.
- Councillor Haszeldine congratulated the work of the PCC and force in raising awareness of domestic violence, which he believed had led to an increase in the reporting of such incidents. He referred to the increase in reported incidents of shoplifting, which he considered to be partly due to current welfare reforms. However, he queried the figures for Anti-Social Behaviour, believing that such incidents were not being reported because the public did not believe they would get a response. The PCC replied that he would urge people to report all incidents to the police, as this would give him a stronger position when reasoning for officers. Referring to shoplifting, the PCC provided the Panel with details of a pre-charge disposal approach being taken by the Integrated Offender Management Unit.
- Councillor Boyes referred to work being undertaken around Ant-Social Behaviour and road safety and informed the PCC that both these areas had been considered by the County Council's Safer and Stronger Scrutiny Committee, which would welcome the opportunity to feed in to the process being carried out by the PCC.
- Councillor Jones referred to Community Panels, which were based on constituencies. As a result, 4 rural Wards in Darlington fell within the Sedgfield constituency, and Councillor Jones asked that these be aligned to Darlington. The PCC replied that he would consider this and provide Councillor Jones with feedback.

7 Confidence

The Panel noted a report of the Police and Crime Commissioner which provided an update on the work being undertaken by Durham Constabulary in relation to the confidence agenda (for copy see file of Minutes).

Councillor Boyes referred to the problem of attendance at some PACT meetings, and suggested that best practice be shared between PACT areas in an attempt to increase attendance. Councillor Jones added that continuity of officers attending PACT meetings was important. The Police and Crime Commissioner replied that if his attendance was required at any PACT meetings, Members of the Panel should contact his office. If any problems were being experienced regarding the continuity of attendance of officers, if this information was fed back to him, he would raise the matter with the Chief Constable.

In response to a question from Councillor Hopgood regarding which areas fell within each Locality, the Police and Crime Commissioner undertook to provide this information following the meeting.

Referring to community engagement, Councillor Hovvels praised the police for their improvement of communication to inform communities of events taking place in their areas.

8 Exclusion of the Public

That under Section 100(A)4 of the Local Government Act 1972, the public be excluded from the meeting for Agenda Item B6 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act.

9 Minutes

The Minutes of the meeting held on 17 September 2013 were confirmed by the Panel as a correct record and signed by the Chairman.

10 Office of the Durham Police and Crime Commissioner Structure Review

The Panel considered a report of the Police and Crime Commissioner which provided details of the review of the staffing structure for the Office of the Durham Police and Crime Commissioner (for copy see file of Minutes).

Resolved:

That the report be noted

11 Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012

The Panel considered a report of the Monitoring Officer regarding a complaint received in relation to the Police and Crime Commissioner (for copy see file of Minutes).

Resolved:

That the recommendation contained in the report be approved.



Durham Police and Crime Panel

5 December 2013

Proposed Appointment Of Chief Finance Officer

Report of Lorraine O'Donnell, Assistant Chief Executive

Purpose of the Report

- 1 To provide information to Panel Members on the process to be undertaken to hold a confirmation hearing for the post of Chief Finance Officer and to consider a report from the Police and Crime Commissioner for the proposed candidate for the post of Chief Finance Officer.

Background

- 2 Paragraph 6, Schedule 1 of the Police Reform and Social Responsibility Act 2011 requires that the Police and Crime Commissioner must appoint "*a person to be responsible for the proper administration of the commissioner's financial affairs (referred to as the commissioner's chief finance officer)*".
- 3 The Durham Police and Crime Commissioner, Mr Ron Hogg formally notified the Chair of the Police and Crime Panel of his proposed appointment to the post of Chief Finance Officer on 15th November 2013.
- 4 Schedule 1 of the Act requires this proposed appointment to be considered by the Police and Crime Panel through a confirmation hearing that is to be held in public, within three weeks of notification of the Commissioner's proposed candidate.
- 5 Appendix 2 to this report provides Panel Members with a briefing note to outline the process to be followed by the Police and Crime Panel (PCP) to undertake a confirmation hearing in accordance with Schedule 1 of the Act.
- 6 Appendix 3 to this report includes a report from the PCC that proposes Mr Gary Ridley for the post of the Commissioner's Chief Finance Officer and details the criteria that was used to assess the suitability of the candidate; how the candidate has satisfied the criteria and the terms and conditions on which the candidate is to be appointed.

Recommendations

- 7 Members of the Panel are asked to note the process to be followed to undertake the Confirmation hearing for the post of Chief Finance Officer as identified within Appendix 2.

- 8 Members are asked to consider the Police and Crime Commissioner's report (Appendix 3) and review the proposed appointment of Mr Gary Ridley as the Chief Finance Officer for the Police and Crime Commissioner for Durham.
- 9 Members of the Police and Crime Panel are asked to respond and make recommendation to the Police and Crime Commissioner as to whether Mr Gary Ridley should be appointed accordance with the Police Reform and Social Responsibility Act 2011.

Background papers

None

Contact: Lorraine O'Donnell Tel: 03000 268060

Appendix 1: Implications

Finance – None

Staffing – The report proposes the appointment of Chief Finance Officer for the Durham Police and Crime Commissioner

Risk – None

Equality and Diversity / Public Sector Equality Duty – None

Accommodation – None

Crime and Disorder – None

Human Rights – None

Consultation – None

Procurement – None

Disability Issues – None

Legal Implications – The report is required in accordance with the Police Reform and Social Responsibility Act 2011.

Durham Police and Crime Panel**Confirmation Hearing – Chief Finance Officer****Briefing Note**

This briefing note outlines the process to be followed by the Police and Crime Panel (PCP) to undertake a confirmation hearing for the post of Chief Finance Officer.

Information contained within this briefing is in accordance with guidance issued within the Local Government Association and Centre for Public Scrutiny publication 'Police and Crime Panels – Guidance on Confirmation Hearings' (August 2012) and The Police Reform and Social Responsibility Act 2011.

The Rules Relating to Confirmation Hearings

The rules concerning a confirmation hearing for appointment of a Chief Finance Officer are set out in Schedule 1 of the Police Reform and Social Responsibility Act (2011).

Schedule 1 of the Act sets out the confirmation process which must be completed before the Chief Finance Officer can be appointed.

Schedule 1 requires:

- the Police and Crime Commissioner (PCC) to notify the PCP of the proposed appointment;
- the PCC to provide the PCP with specific information in relation to the individual and the appointment;
- the PCP to review the proposed appointment within three weeks
- the PCP to hold a public confirmation hearing to question the candidate;
- the PCP to write a report to the PCC on the proposed appointment, this must include a recommendation as to whether the individual should be appointed; and
- the PCP's report to be published.

Important information to note

The Panel has no power of veto over the appointment of the Chief Finance Officer.

If the Panel fails to conduct a confirmation hearing and report to the PCC within the three week period then the appointment of the candidate can be made.

PCC to propose a candidate to the PCP

The Act and the Regulations require that when notifying the PCP of a candidate for appointment as Chief Finance Officer, a PCC must provide the PCP with the following information:

- the name of the proposed candidate;
- the criteria that were used to assess the suitability of the candidate;
- how the candidate has satisfied those criteria; and
- the terms and conditions on which the candidate is to be appointed.

Following receipt of notification, the Chair of the PCP is to write to the Candidate to confirm the date of the hearing and notify them of the principles of professional competence and personal independence on which they propose to evaluate the candidate. The letter should advise that the information provided by the candidate will be placed in public domain.

The Confirmation Hearing

Purpose

This should be a short and focused meeting and be in a 2 stage process

- The Panel will question the candidate to determine if he/she meets the criteria set out in the role profile and whether they possess the professional competence and personal independence to carry out the role; and
- The Panel will determine whether to endorse the candidate's appointment or recommend that the candidate should not be appointed. This second stage of the hearing will be held in closed session (see below).

Start

At the start of the hearing the chairman will outline the order of business and will explain the process and powers of the Panel. The candidate will be permitted to ask any procedural questions before the questioning starts.

The Panel will question the candidate and will ensure that the candidate is treated fairly and politely at all times.

Process

The Confirmation hearing will need to complement, rather than duplicate, the other internal systems for appointing staff. Lines of questioning are to be on areas of professional competence and personal independence and used to get the maximum value out of the process.

Questioning

The Chair is to be aware of any potentially inappropriate questions that does not relate to the professional competence or personal independence of the candidate. Some questions that may appear to the questioner to relate to one or both of these issues might still be inappropriate. Guidance provided by the LGA identifies the following as examples of inappropriate questions:

- relating to the personal political (or other) views of the candidate – e.g. whether the candidate agrees or disagrees with the police and crime plan
- seeking to substantively hold to account the candidate for decisions made in a previous role, unless they are phrased in such a way that directly relates to (for example) learning lessons from past experience
- on what the candidate will do, substantively, once in the post (i.e. questions relating to operational strategy)
- which are hypothetical and designed to obtain the candidate's views on a position of local controversy.

Questioning will rely on the documents provided to support the panel's deliberations. LGA guidance suggests broad questioning themes should be developed, such as evidence the candidate has:

- an understanding of the various stakeholders that would need to be involved and engaged with (and in what way, with what outcome) in the development and delivery of a major strategy (professional competence)
- a pragmatic understanding of the separation of the PCC from operational responsibility (personal independence)

Conclusion

At the end of the session the candidate has the opportunity to clarify any answers that he or she has given in the course of the hearing, and ask any procedural questions of the Panel, for example about the next steps or the decision-making process.

Decision making process

Immediately following the completion of questioning and points of clarification, the Panel will go into closed session to take its decision and prepare any recommendations to the PCC. The Monitoring Officer should be present to provide advice to the panel.

At this point the Panel will need to be able to evaluate whether it feels the candidate has the professional competence and personal independence as set out in the role profile. Suggested areas of evaluation include:

Professional competence

- Do they have the ability and insight to work across multiple different agencies to achieve the PCC's priorities, and wider priorities for the area?
- Do they have the ability to respond, credibly and proportionately, to pressures such as the need to make short-term responses to unexpected requirements?
- Do they have the ability to translate strategic objectives into operational change on the ground?

Personal Independence

- Do they have the ability to advise the PCC, but to resist any attempt at improper influence?
- Do they have the ability and confidence to take personal responsibility for relevant successes and failures?

Approval

If the Panel is content with the proposed appointment it can agree to report to the PCC its endorsement of the appointment.

Refusal

If the Panel determines that the candidate does not meet the standards in the role, providing advice to the PCC in the form of a letter is the only option to the panel.

Where a candidate meets the standards but the Panel has concerns about suitability, such concerns can form part of the Panel's report and recommendations to the PCC.

Making Recommendations

The Chair of the PCP will write to the PCC following the Confirmation hearing to outline the decision and recommendations of the panel, Candidate to be sent a copy of letter.

Guidance suggests the Panel wait five working days before it publishes any information about its recommendations. The Panel should also ensure that the PCC has received and acknowledged the Panel's recommendations before making its recommendations public.

November 2013



5th December 2013

Report to the Police and Crime Panel on the Appointment of the Interim Chief Finance Officer



1. Purpose

1.1.1 The purpose of this report is to notify the Police and Crime Panel of the proposed appointment of the Chief Finance Officer for the Police and Crime Commissioner for Durham and to request that they review the proposed appointment and make a recommendation to the Commissioner about the appointment.

2. Background

2.1.1 The Police Reform and Social Responsibility Act 2011 (the Act) requires Police and Crime Panels to scrutinise senior appointments proposed by the Police and Crime Commissioner. Schedule 1 paragraph 9 (1) of the Act defines senior appointments as the Commissioner's Chief Executive, Chief Finance Officer and the Deputy Police and Crime Commissioner. These are referred to as Schedule 1 appointments.

2.1.2 The Commissioner must notify the Panel of the following information:

- (a) The name of the person he is proposing to appoint;
- (b) The criteria used to assess the suitability of the candidate for the appointment;
- (c) Why the candidate satisfies the criteria; and
- (d) The terms and conditions on which the candidate is to be appointed.

2.1.3 Schedule 1 10 of the Act requires the Panel to review the proposed appointments and report back to the Commissioner which must include a recommendation as to whether or not the candidate should be appointed. This must be done within a period of three weeks beginning with the day on which the Panel receives the notification from the Commissioner of the proposed senior appointment(s).

2.1.4 Schedule 1 paragraph 11 of the Act requires the Panel to hold a confirmation hearing before making a report and recommendation under paragraph 10 to the Police and Crime Commissioner in relation to a proposed senior appointment.

2.1.5 Schedule 1 paragraph 12 allows the Police and Crime Commissioner the right to accept or reject the Panel's recommendation and he must notify the Panel of his decision.

3. Proposed Appointment

3.1 The Home Office have produced a document called Financial Management Code of Practice for the Police Service of England and Wales. Section 4 of the document

sets out the key roles and responsibilities of the Chief Finance Officer for the Police and Crime Commissioner as follows:

- ensuring that the financial affairs of the PCC are properly administered and that financial regulations are observed and kept up to date;
- ensuring regularity, propriety and Value for Money (VfM) in the use of public funds;
- ensuring that the funding required to finance agreed programmes is available from Central Government funding, precept, other contributions and recharges;
- reporting to the PCC, the Police and Crime Panel and to the external auditor any unlawful, or potentially unlawful, expenditure by the PCC or officers of the PCC;
- reporting to the PCC, the Police and Crime Panel and to the external auditor when it appears that expenditure is likely to exceed the resources available to meet that expenditure;
- advising the PCC on the robustness of the budget and adequacy of financial reserves;
- ensuring production of the statements of accounts of the PCC;
- ensuring receipt and scrutiny of the statements of accounts of the Chief Constable and ensuring production of the group accounts;
- liaising with the external auditor;
- advising the PCC on the application of value for money principles by the police force to support the PCC in holding the Chief Constable to account for efficient and effective financial management; and
- advising, in consultation with the Chief Executive, on the safeguarding of assets, including risk management and insurance.

3.2 It is proposed that Gary Ridley be appointed as Chief Finance Officer as he is considered to be a suitable candidate in terms of carrying out the above role. He is the current Chief Finance Officer to the Chief Constable, a role he has carried out since January 2009. Mr. Ridley is considered a suitable appointment based on the following:

- Qualified accountant (CIPFA) since 1992.
- All of his career has been spent in the public sector.
- Sound interpersonal skills
- Has fulfilled the role of Section 151 Officer since 2001.
- Corporate Management Team experience since 2001.
- Extensive experience of financial management at a strategic level.
- Extensive experience of managing disparate services including HR, IT, legal, estates, etc.
- Significant experience of developing strategy and policy.
- Significant experience of dealing with both internal and external inspection processes.
- Significant experience of working in a political environment, both from his career in local government which included the role of Acting Chief Executive and from his current role within the force.

4. Terms and Conditions

4.1 At present Mr. Ridley is employed by the PCC but under the direction and control of the Chief Constable. From 1st April 2014 it is expected that Mr. Ridley will transfer to the employment of the Chief Constable under Stage 2 staff transfer arrangements. From this date the PCC will obtain Chief Finance Officer services from Mr. Ridley via a service level agreement with the Chief Constable

4.2 It is expected that the Mr. Ridley will work for the PCC for approx. 2 days per week at a total annual cost of approx. £51,000. This can be met from within the PCC'S revenue budget. The remainder of his time will be a Chief Finance Officer for the Chief Constable. Mr Ridley is employed under National Police Staff Terms and Conditions.

5. Joint Audit Committee

5.1 The PCC and Chief Constable Joint Audit Committee recently considered a report regarding a single individual carrying out both Chief Finance Officer roles. The committee expressed concerns that the arrangement lacked transparency, openness and could give rise to a conflict of interest and that if the arrangement went ahead safeguards would be needed. The following is an extract from the report setting out the safeguards proposed:

- External advice. At any time the PCC or CC can request external advice from a third party, such as another PCC or CC CFO, should they not be happy with the advice that they have received from the joint CFO. Alternatively, they could request advice from HMIC. Under S54 of the Police Act 1996, a PCC can request HMIC carry out an inspection on any aspect of the force's operations, including obtaining information. Therefore, this provides the PCC with a powerful tool to ensure transparency.
- Internal Audit. There is a role to play by Internal Audit to ensure that checks and balances exist to ensure high standards of governance and adequate risk management is in place. Internal Audit could be used to review the ongoing effectiveness of the joint arrangement.
- External Audit. Again, there is a role for External Audit to play in terms of ensuring overall financial probity as auditors of both the PCC and CC. They could also be used to offer an external opinion should the PCC or CC be concerned as to any lack of transparency or independence by the joint CFO.
- Legislation. Under Section 114 of the Local Government Finance Act 1998, the Section 151 Officer (i.e. the joint CFO) is required to issue a report if there is likely to be unlawful expenditure or an unbalanced budget. This provides a significant backstop for the joint CFO were they to come under pressure from either the PCC or CC to either sanction unlawful expenditure or run down reserves to an unacceptable level. This requirement already exists and would equally remain in place under the proposed joint arrangement.
- Scheme of Governance. This has been produced by the PCC following advice from the CFO and Chief Executive. It sets out how powers and delegations will be exercised by both the joint CFO, Chief Executive and also the Chief Constable. This is viewed as an essential control document by which the PCC can hold the Chief Constable to account. This therefore acts as an important safeguard to prevent the CC from committing expenditure or carrying out certain acts which the PCC may otherwise not wish to be involved in. It acts as a form of assurance for the PCC.
- Termination. At any point either the PCC, CC or Assistant Chief Officer can terminate the agreement. This would result in the PCC needing to appoint his own CFO.

6. Recommendations

6.1.1 In accordance with the Police Reform and Social Responsibility Act 2011, Schedule 1 9 (1) the Panel is invited to:

- (i) review the proposed appointment of Gary Ridley as the Chief Finance Officer for the Police and Crime Commissioner for Durham.
- (ii) To make a recommendation to the Commissioner as to whether Mr Ridley should be appointed in accordance with Schedule 1 10 (4) of the Act.

Ron Hogg
Police and Crime Commissioner

Addendum to Police and Crime Panel Report regarding PCC Chief Finance Officer Role

Purpose

The purpose of this report is to outline a dispute resolution procedure should an occasion arise where the Police and Crime Commissioner and Chief Constable disagree as to the acceptance of advice from the Joint Chief Finance Officer (CFO).

Background

The Policing Protocol Order 2011 sets out high level responsibilities of both the PCC and CC, making clear that the former is ultimately accountable to the public for the management of the police fund while the latter has day to day responsibility for managing their allocated budgets. It expects the PCC and Chief Constable to work together to ensure value for money is achieved and to resolve any differences they may have. Given that the PCC sets the overall budget for the CC, the PCC will always have a more powerful role to play in overall financial management than the CC, irrespective of how the CFO role is delivered. The relevant extracts from the Protocol are shown below.

Para 39. The PCC is ultimately accountable to the public for the management of the police fund. The PCC and Chief Constable share a responsibility to provide effective management of the policing budget and to secure value for money on behalf of the public that they both serve.

Para 42. The PCC is a publicly accountable individual who together with their Chief Constable will need to establish effective working relationships in order to deliver policing within England and Wales. Where differences occur they should be resolved where possible locally between the PCC and Chief Constable. Professional advice may be offered by HMIC.

Para 8. The establishment and maintenance of effective working relationships by these parties is fundamental. It is expected that the principles of goodwill, professionalism, openness and trust will underpin the relationship between them and all parties will do their utmost to make the relationship work.

The above paragraphs clearly set out an expectation of co-operation on, inter alia, financial matters which should result in openness in terms of information sharing and decision making. By extension, this suggests that they should not bring undue pressure on the CFO as this would undermine their working relationship with themselves and the CFO. Undue pressure may include requesting the CFO to act in a manner which the CFO feels is unprofessional. Internal whistleblowing procedures (Bad Apple) exist to protect the CFO in this regard. In relation to information sharing, S36 of the Police Reform and Social Responsibility Act 2011, requires the CC to give all relevant information to the PCC as needed. Therefore, the withholding of information should not occur.

Dispute Resolution Process

Should a difference of opinion occur between the PCC and Chief Constable the following process will be used.

Informal Mediation

In the first instance, the PCC and Chief Constable should attempt to resolve any difference of opinion they may have through open discussion. This could be facilitated by the Joint CFO. All parties should be reminded of the relevant paragraphs of the Policing Protocol Order 2011 shown above. Where this approach is successful and agreement reached, a formal note of any subsequent decisions made should be recorded to act as an audit trail.

External Mediation

Where informal mediation fails to resolve any differences, it is proposed that external mediation be used. Both the PCC and Chief Constable should commit to third party involvement as a means of achieving a satisfactory outcome. Both should agree on who shall undertake the external mediation e.g. HMIC or another force. Under the Police Reform and Social Responsibility Act a PCC can request HMIC to carry out an inspection of the force on relevant matters.

Where external mediation is used, clear terms of reference should be jointly agreed by all parties and the recommendations of the mediation agreed. A record of such should be kept for audit purposes.

Review

The above process will be subject to periodic review.