

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.