

**A Joint Protocol**  
**for the working relationship**  
**between the**  
**Thames Valley Police and Crime**  
**Commissioner and the Thames Valley Police**  
**and Crime Panel**



# **Protocol defining the relationship between Thames Valley Police and Crime Panel and the Police and Crime Commissioner for Thames Valley**

## **Introduction to the protocol**

This protocol concerns the relationship between the Thames Valley Police and Crime Panel (“the Panel”) and the Police and Crime Commissioner for Thames Valley (“the Commissioner”). The protocol aims to provide clarity of role and expectations of the Panel and the Commissioner for the benefit of all involved in the process of policing and crime accountability.

The public accountability for the delivery and performance of the police service is placed into the hands of the Commissioner on behalf of his electorate. The Commissioner draws on his mandate to set and shape the strategic objectives of Thames Valley Police (the Thames Valley Policing Area covers the geographical County areas of Berkshire, Buckinghamshire and Oxfordshire) in consultation with the Chief Constable. The Commissioner is accountable to the electorate; the Chief Constable is accountable to the Commissioner.

The Panel is empowered to maintain a regular check and balance on the performance of the Commissioner in that context, and its Members are accountable as elected Members of the authorities participating in the Panel or as co-opted members, under the applicable code of conduct, and its independent members are accountable under the Panel terms of reference.

The respective roles, responsibilities and functions of the Commissioner and the Panel are defined in the Policing Protocol Order 2011. This document is not a statement of the formal jurisdiction and powers of either party. Nothing in this document is intended to restrict the statutory rights or vary the legal duties and requirements of those involved. It does not take precedent over any actual legislation.

The Panel and Commissioner will strive to:

- work in a climate of mutual respect and courtesy;
- have an appreciation and understanding of the respective roles, responsibilities and priorities of each other;
- promote and foster an open relationship where issues of common interest and concern are shared in a constructive and mutually supportive way;
- share work programmes, appropriate information or data obtained to avoid the unnecessary duplication of effort.

The establishment and maintenance of an effective working relationship between the Panel and Commissioner is essential. It is expected principles of goodwill, professionalism, openness and trust will underpin the relationship between them and all will do their utmost to make the relationship work.

In accordance with the requirements of the Policing Protocol Order, the Panel and the Commissioner shall abide by the seven Nolan Principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

**An open dialogue:**

The Chairman and/or vice-chairman of the Panel shall discuss matters of relevance to the Panel with the Commissioner. This dialogue will enable the Panel to set its agenda and plan its work programme. It is anticipated an informal meeting will be held in advance of each Panel meeting to enable the Chairman and Commissioner to discuss matters to be raised at the Panel meeting.

**Time to prepare:**

Where possible the programme of meetings, both formal and informal, should be established for the following year in consultation with the Commissioner. Items which are considered annually should be able to be scheduled in with as much notice as possible, for example the precept, the annual reports of both the Commissioner and the Panel and the annual review of the Panel's Rules of Procedure and Budget.

Where a report is required from the Commissioner, the Panel will endeavour to give sufficient notice to the Commissioner to enable the preparation of an accurate and complete report, such notice being in general, at least 30 working days in advance of the date for submission of the report (i.e. 5 clear working days before the Panel meeting), but less by agreement or in cases of urgency.

**Access to information and supporting evidence:**

The Commissioner shall provide such supporting information as may be reasonably required, or specified, by the Panel to enable the functions of the Panel to be effective, and conducted in an open and transparent manner. The Panel may also commission information from any other appropriate sources, keeping the Commissioner informed, to help the Panel in its role of scrutinising the Commissioner. This can also involve requesting attendance at meetings to provide the Panel with information to help in the process of scrutinising and supporting the Commissioner.

Each party shall support the functions of the other by sharing information and reports as appropriate, and note that their websites contain information the other might find of use, for example decisions taken and documents published.

**Meetings**

The Panel may scrutinise and review decisions made or actions taken by the Commissioner in connection with the discharge of the Commissioner's functions. As well as reviewing documentation, in fulfilling its scrutiny role the Panel may require the Commissioner, and members of the Commissioner's staff, to attend before the Panel (at reasonable notice) to answer any questions, which appear to the Panel to be necessary in order to carry out its functions.

**Attendance at meetings:**

The Commissioner will normally attend all meetings of the Panel.

- . The Commissioner shall be invited to all Panel meetings.
- . The Commissioner is required to attend the meeting at which the Panel receives the annual report of the Commissioner.
- . Where required by the Panel, the Commissioner must attend a meeting of the Panel to answer questions.

## **The Chief Constable**

The Chief Constable of Thames Valley Police may be *requested* but cannot be *required* to attend Panel meetings. Notwithstanding this, the Chief Constable does regularly attend the Police and Crime Panel meeting. The Chief Constable retains responsibility for operational matters. If the Panel seeks to scrutinise the Commissioner on a matter which may have operational implications, the Chief Constable may be invited to comment.

The accountability of the Chief Constable remains firmly to the Commissioner and **not to** the Panel.

## **Post meeting actions**

### *Reports and recommendations*

Where it has formed recommendations on a particular matter, the Panel Chairman, through the Panel's Scrutiny Officer, will report them to the Commissioner. The Panel will publish these recommendations in the minutes of the meeting where the recommendation has been made. The Panel may require the Commissioner to respond in writing usually within fourteen days of the date of receipt (unless, in the circumstances, the Panel determines an alternative timeframe), in full to any report or recommendations made by the Panel to the Commissioner.

The Panel must ensure that copies of any such reports or recommendations are provided to, or accessible by, each local authority whose area falls wholly or partly within the Thames Valley policing area.

Where possible the Panel shall provide the Commissioner within five working days, starting from the first working day after the Panel has met, with any written report or recommendations the Panel intends to issue. Generally the Commissioner shall respond in writing as to whether the report and/or recommendations has been accepted or rejected. When the Commissioner chooses to reject a recommendation of the Panel the Commissioner will normally provide his reasons, except where it would be inappropriate to do so, for example on an operational matter.

## **Panel special functions (which may not be delegated):**

### **1. Police and Crime Plan**

The Commissioner is required to produce a Police and Crime Plan ("Plan"), following consultation. There is an expectation there will be informal discussions between the Commissioner and Members of the Panel prior to sending the draft plan to the Panel for their consideration.

#### *Process*

The Commissioner shall ensure the Panel is provided with a copy of the draft Plan or variation thereto at an early opportunity so as to enable adequate time for consideration.

The Commissioner shall provide the Panel with details of any public consultation on the Plan or consultation with other partners that has informed the priorities within the Plan.

The Panel shall convene a meeting within 15 working days of the receipt of the draft Plan to consider and comment on the draft Plan. Where possible this meeting will be pre-arranged to allow effective interaction between the Panel and the Commissioner. The Commissioner shall attend the meeting of the Panel to present the Plan and answer questions. The Panel, having considered the matter at a meeting, may make a report or recommendation to the Commissioner. Such report should normally be prepared and submitted to the Commissioner no later than five working days following the meeting. Where such report suggests amendments to the Plan, the Commissioner is required to have regard to such recommendation and advise the Panel. Where the Commissioner decides not to accept the recommendation of the Panel the Commissioner will provide reasons.

#### *Monitoring and Review of Plan*

The Plan will need to be reviewed and monitored at regular intervals. Where a review results in variations to the Plan the consultation process outlined above shall be followed.

#### *Monitoring of Performance of the Commissioner*

The Plan will be the key document by which the performance of the Commissioner is to be measured and monitored. There will be an expectation for the Panel to be provided with regular reports on the performance against the objectives of the Plan.

Where Performance Monitoring reports identify areas of underperformance, the Commissioner shall provide an explanation together with any proposals the Commissioner intends to take to rectify the position.

## **2. Annual Report**

The Commissioner is required to publish an Annual Report after the end of the financial year. The Annual Report shall demonstrate progress in meeting the objectives set out in the Police and Crime Plan. The Panel is required to review the Annual Report and may make recommendations upon it if necessary.

#### *Process*

In June each year, the Commissioner shall aim to provide the Panel with a copy of his Annual Report. The Panel at its meeting in June/July will receive and consider this report. The Commissioner is required to attend the Panel meeting to present the report and answer questions.

The Panel may accept the Annual Report and/or make a report or make recommendations. Reports/recommendations from the Panel should normally be prepared and submitted to the Commissioner no later than five working days following the meeting.

The Commissioner shall consider any report or recommendation and advise the Panel. Where the report or recommendations are not accepted by the Commissioner, the Commissioner shall provide reasons.

### **3. Precept**

The Commissioner shall notify the Panel of the proposed precept for the coming financial year. The latest this must be received by the Panel is 1 February of the relevant financial year.

The proposed precept level shall be accompanied by information setting out how the precept was arrived at, the level of revenue to be generated and how such revenue is to be applied. The Panel shall convene a meeting as soon as practicable and no later than 15 working days following receipt of the notification of the proposed precept, bearing in mind, the Panel must have considered it before 8 February of the relevant financial year.

Where possible this meeting will be pre-arranged to allow effective interaction between the Panel and the Commissioner. The Panel will seek information and views as to the appropriateness of the Precept from any sources it deems suitable.

The Panel, having considered the proposed precept, together with any supporting documentation, may:

- a) agree the precept without qualification or comment;
- b) support the precept and make comments or recommendations concerning the application of the revenues generated;
- c) veto the proposed precept - which requires at least two-thirds of the persons who are Members of the Panel at the time the decision is made to vote in favour of that decision - and make a report to the Commissioner (to include, if the veto is exercised, a statement to that effect).

Where the Panel supports the precept but makes comments or recommendations these should normally be prepared and submitted to the Commissioner by no later than five working days following the meeting. The Commissioner shall consider such recommendations / comments and advise the Panel of the Commissioner's view. Where the comments or recommendations are not accepted, the Commissioner shall provide reasons.

Where the Panel exercises its veto it will provide a report to the Commissioner which will include a statement that the Panel has vetoed the proposed precept, giving reasons and an indication as to whether it considered the proposed precept to be too high or too low. The Commissioner will consider the report and must issue a response, which will include a revised precept (which, if the Panel considered the proposed precept to be too high, will be lower and, if the Panel considered the proposed precept to be too low, will be higher). The Panel will review the revised precept (at the latest by 22 February of the relevant financial year) and make a report to the Commissioner, which may indicate whether or not the Panel accepts or rejects the revised precept.

The Commissioner will have regard to this second report and will issue a response by 1 March of the relevant financial year. The Panel accepts that a rejection of the revised precept on its part does not prevent the Commissioner from issuing a revised precept as the precept for the financial year.

#### **4. Senior Officer Appointments, Including the Chief Constable**

##### *Notification*

When the Commissioner commences a recruitment exercise (in whatever form that may take) with a view to making:

(a) a Schedule 1 appointment i.e. that of the Commissioner's Chief Executive, Chief Finance Officer or a Deputy Police and Crime Commissioner; or

(b) a Chief Constable appointment,

the Commissioner will inform the Panel's scrutiny officer such steps are being taken, and the likely timeframe involved, so that preliminary arrangements can be made to schedule a confirmation hearing.

When, in accordance with the Police Reform and Social Responsibility Act 2011 (the Act), the Commissioner notifies the Panel of a proposed Schedule 1 or Chief Constable appointment, the Commissioner must provide the Panel with the following information:

- the name of the person whom the Commissioner is proposing to appoint (the candidate);
- the criteria used to assess the suitability of the candidate for the appointment;
- why the candidate satisfies those criteria; and
- the terms and conditions on which the candidate is to be appointed.

At the same time as the Commissioner notifies the Panel of the proposed appointment, the Commissioner will provide the Panel with the background information that the Commissioner has had access to during the rest of the appointment process e.g. the role profile, the candidate's CV and/or personal statement, any references etc. The Commissioner will advise the candidate's referees the references they submit will be put on public deposit to assist the Panel in the performance of its duties.

##### *Immediate steps following notification*

The Panel must within three weeks of receiving the Commissioner's notification hold a confirmation hearing for the Panel to review the proposed appointment and make a report on it to the Commissioner. Therefore, on receipt of the Commissioner's notification, the Panel's scrutiny officer will by the end of the next working day after receiving the Commissioner's notification must convene a public meeting of the Panel to be held within 19 days of receiving the Commissioner's notification (this meeting will not normally be used for any other business) and confirm the date of the confirmation hearing to the Members of the Panel.

##### *Preparing for the confirmation hearing*

The Panel's Scrutiny Officer, together with the Chairman and Vice-Chairman of the Panel, will draw together a list of relevant issues for the Panel to consider, in particular highlighting possible question topics and themes, and background information on which Members might wish to focus.

The Panel's Scrutiny Officer will circulate this information electronically to all Members of the Panel for their consideration and comment. The aim of this process is to enable the necessary preparatory work to be undertaken as efficiently as possible within the tight timescale but to ensure that all Members of the Panel have the opportunity to consider the relevant issues and lines of questioning, and raise any queries, prior to the confirmation hearing itself. The Panel's scrutiny officer will also remind Members of the process taken at the hearing.

#### *At the confirmation hearing*

The Chairman will open the meeting and will outline the key themes that the Panel hopes to explore. The Chairman will explain the process for approval, refusal or, where the proposed appointment is that of Chief Constable, veto of appointments and will allow the candidate to ask any procedural questions.

The Panel will normally focus on issues of professional competence (this relates to the candidate's ability to carry out the role, his/her professional judgment and insight) and personal independence (this relates to the need for a candidate to act in a manner that is operationally independent of the Commissioner, the ability to advise the Commissioner effectively and to understand the need to respond constructively in situations where they might be asked to provide factual information to the Panel to facilitate and inform their scrutiny of the Commissioner's performance).

At the end of the session, the candidate will be given the opportunity to clarify any answers given and ask any questions of the Panel. Immediately following the hearing, the Panel will go into closed session to decide on its recommendations, taking legal and HR advice if necessary.

#### *Decision-making by the Panel*

The Panel's decision-making process, will normally comprise two linked steps:

- Taking account of the minimum standards of professional competence and personal independence, does the candidate meet the criteria set out in the role profile?
  - a) do they have the professional competence to carry out the role?
  - b) do they have the personal independence to carry out the role?
  
- Should, consequently, the Panel:
  - (a) recommend that the candidate should be appointed; or
  - (b) recommend that the candidate should not be appointed; or
  - (c) in the case of a Chief Constable appointment, use its power of veto

Where a candidate does not meet the minimum standards, it will normally be self-evident and, in the case of a Chief Constable appointment, the Panel may decide to exercise its power of veto. Where the candidate meets these standards, but there is still cause for concern about his/her suitability, the Panel may outline these concerns in its response to the Commissioner. Where a Schedule 1 candidate does not meet the minimum standards, the Panel has no power of veto but may provide advice to the Commissioner in the form of a letter.

#### *Making recommendations on Schedule 1 and Chief Constable appointments*



The Panel may decide to recommend to the Commissioner that the appointment be made, or that it not be made. A recommendation that an appointment is not made is not, in the case of a Chief Constable appointment, the same as a veto (see below) and the Commissioner can still choose to appoint the candidate.

On the next working day after the Panel has made its decision, the Panel's Scrutiny Officer will, in consultation with the Chairman of the Panel, send a report on the proposed appointment to the Commissioner confirming the Panel's recommendation as to whether or not the candidate should be appointed. The report will be copied to the candidate. Where the Panel is recommending refusal, a summary of the principal reasons will be included.

The Panel shall determine the form and timing of the public notice of recommendation which shall be no less than three working days after the decision.

In response to the Panel's report, the Commissioner must notify the Panel whether he will accept or reject the Panel's recommendation. Where the Panel has recommended refusal and the Commissioner continues with the appointment, he will normally make a response at the same time as the publication of the Panel's report, focusing on why he felt the candidate did in fact meet the minimum standards for the post. If, before the result of the appointments process is made public, the candidate withdraws from the process only the Panel's report, and no other information from either the Commissioner or the Panel, will be published. Where the Commissioner decides not to appoint, the Panel's report will normally be published alongside a statement by the Commissioner setting out a timetable and process to make a new appointment.

The Panel will not liaise with the candidate, either directly or through any officer.

*The veto (for Chief Constable appointment only)*

The veto will normally only be exercised in exceptional circumstances; for example where it is clear to the Panel there has been a significant failure of the 'due diligence' checks carried out earlier in the appointments process, to the extent that the candidate is not 'appointable'.

The Panel has the power to veto a Chief Constable appointment only in the three week period starting with receipt of the Commissioner's notification.

Where the Panel decides (on a two-thirds majority) to veto the proposed appointment, on the next working day after the Panel has made its decision, the Panel's Scrutiny Officer will, in consultation with the Chairman of the Panel, send a report on the proposed appointment to the Commissioner confirming the Panel's decision to veto the appointment and including a summary of the Panel's principal reasons for its decision. Following this, the Commissioner must not appoint the candidate. The Commissioner will be responsible for notifying the candidate. The parties will liaise with each other over the issue of public communication of the Panel's decision. At the same time as the publication of the Panel's report, the Commissioner will normally publish information setting out the steps that will be taken to make another appointment.

Following a veto of the proposed appointment, the Commissioner must propose another individual for appointment as Chief Constable. The Panel must, within three weeks of receiving a notification by the Commissioner review the proposed appointment. The process is the same for an initial candidate and any reserve candidate following a veto; however, the Panel's power of veto only applies to the first candidate.

### **Other Functions:**

#### **Suspension/Removal of Chief Constable**

Where the Commissioner proposes to suspend the Chief Constable, he shall alert the Panel Chairman of his intentions so that preliminary arrangements may be made in relation to a meeting of the Panel. The Commissioner shall notify the Panel if his intention is to ask the Chief Constable to resign or retire, together with a copy of the written explanation of the reasons provided to the Chief Constable. The Commissioner shall provide the Panel with a copy of any representations the Commissioner may have received from the Chief Constable in response.

After the Chief Constable has been given an opportunity to make representations, the Commissioner will send further notification to the Chief Constable and the Panel if he still proposes to call upon the Chief Constable to resign or retire. Within six weeks of receiving the notification from the Commissioner, of an intention to call upon the Chief Constable to resign or retire, the Panel must make a recommendation in writing to the Commissioner. Before making any recommendation the Panel may consult with the Her Majesty's Inspector of Constabulary.

Before making any recommendation, the Panel shall hold a meeting, in private, at which the Commissioner and Chief Constable shall be entitled to attend and make representations. The Commissioner may accept or reject the recommendation of the Panel and will notify the Panel of his decision. This will be the end of the process and until either this has taken place or no recommendation has been given by the Panel within the six week period the Commissioner cannot call upon the Chief Constable to resign or retire.

#### **Suspension of the Police and Crime Commissioner and appointment of an Acting Police and Crime Commissioner**

The Panel is responsible for dealing with complaints against the Commissioner and if applicable, the Deputy Commissioner.

##### *Suspension of the Commissioner*

The Panel may suspend the Commissioner if the Commissioner is charged with an offence which carries a maximum term of imprisonment exceeding two years.

The Commissioner will inform the Panel immediately on being charged with any such offence. The Panel will be required to convene a meeting as soon as practicable thereafter, as the decision to suspend must be taken at a meeting of the Panel and voted upon. The Commissioner will be entitled to attend for the purpose of making representations.

Any suspension of the Commissioner shall cease if the:

- charge is dropped
- Commissioner is acquitted of the offence
- Commissioner is convicted but is not disqualified because of the conviction
- Panel agrees to terminate the suspension.

The Panel shall keep any suspension under review and will, if circumstances change, convene a further meeting to consider whether the suspension should continue.

#### *Appointment of an Acting Commissioner*

The Panel must meet to appoint an Acting Commissioner if:

- The Commissioner is incapacitated and cannot carry out the functions of the office; or
- The Commissioner is suspended.

The Office of the Commissioner shall inform the Panel immediately on learning that the Commissioner is incapacitated. The Panel will be required to convene a meeting as soon as practicable thereafter to appoint an Acting Commissioner, to be drawn from the Commissioner's staff at the time. The Panel will have regard to any views submitted by the Commissioner.

The appointment of an Acting Commissioner shall cease:

- When a new Commissioner is elected as a result of a vacancy arising;
- If the Commissioner is no longer incapacitated
- If the suspension of the Commissioner has been lifted
- On the termination by the Panel, or by the Acting Commissioner, of the appointment of the Acting Commissioner
- If the acting commissioner learns that tenure will elapse, the acting commissioner will inform the Panel as soon as possible.

#### **Protocol for the informal resolution procedure regarding complaints made against the Commissioner**

When the decision has been made to record a complaint that will not subsequently be referred to the Independent Office for Police Conduct (IOPC), the Commissioner's Chief Executive will:

- send a record of the complaint to the complainant and to the person complained about (in the latter case, subject to any decision taken not to supply a copy of the complaint or to supply the complaint in a form which keeps anonymous the identity of the complainant or of any other person) and will include the contact details of the Panel's Scrutiny Officer; and
- refer the record, and copies of all the associated paperwork, to the Panel's Scrutiny Officer. This will be no later than two working days after the complaint has been recorded.

On receipt of the complaint, the Panel's Scrutiny Officer will:

- convene a meeting of the Complaints Sub-Committee, normally to be held within three weeks of the referral of the complaint,
- write to the complainant, setting out timescales and providing details about the informal resolution procedure; and giving the complainant an opportunity to make further comments in support of his/her complaint (allowing him/her two weeks to respond). Where the Panel's Scrutiny Officer believes that the circumstances of the case are such that the Complaints Sub-Committee may decide to treat the complaint as having been resolved, the complainant will be asked to provide his/her representations in this regard for the Complaints Sub-Committee to take into account; and
- write to the person complained about, setting out timescales and providing details about the informal resolution procedure; and giving him/her an opportunity to make comments in response to the complaint (allowing him/her two weeks to respond).

A brief report will be prepared for the Complaints Sub-Committee, setting out the pertinent details of complaint, recording any failure by the person complained about to comment on the complaint and making suggestions for the next steps.

The Complaints Sub-Committee will first consider whether the complaint has been satisfactorily dealt with and, subject to any representations by the complainant, may decide to treat the complaint as having been resolved. In such a case, the Complaints Sub-Committee's reasons will be recorded and notified to the parties.

If, after considering the report, the Complaints Sub-Committee feels that the matter needs to be formally resolved, it will decide its course of action. In accordance with regulations, the Complaints Sub-Committee may not conduct an investigation. The Complaints Sub-Committee may exercise its delegated powers to require the person complained against to provide information or documents or attend before it to answer questions or give evidence, as this will not be regarded as an investigation. However, any other step intended to gather information about the complaint, other than inviting the comments of the complainant and the person complained against, will be likely to amount to investigation.

The Complaints Sub-Committee will consider whether to devise an action plan (to be drawn up by the Panel's Scrutiny Officer) and in so doing will take into account any applicable guidance issued by the Secretary of State and may also consider any guidance issued by the IOPC pursuant to section 22 of the Police Reform Act 2002 on local resolution. Any such action plan will include an indicative timeframe.

Any such action plan may include (for example):

- An explanatory letter being written by an officer of the Panel (or on behalf of the Complaints Sub-Committee),
- An explanatory letter being written by an officer of the OPCC,
- A suggested change to OPCC policy; or
- A request that an apology is tendered (no apology may be tendered on behalf of the person complained against unless that person has admitted the alleged conduct and agreed to the apology).

The Complaints Sub-Committee will also decide whether it wishes to:

- reconvene to take any steps identified in the action plan,
- authorise any named individual (who may not be a Commissioner, a Deputy Commissioner or the Chief Executive of the OPCC) to take any steps in accordance with the action plan; or
- refer the matter to the Panel recommending that the identified action be taken.

Once the actions from the plan have been completed, the matter may be referred back to the Complaints Sub-Committee or an authorised individual may determine that the matter has been resolved. The Panel's Scrutiny Officer must make a record of the outcome of the informal resolution as soon as practicable, normally within three working days, after the process is completed and provide copies to the complainant and the person complained against. The matter will then be closed.

No part of the record may be published by the Complaints Sub-Committee unless, having given the parties an opportunity to make representations about the proposed publication and having considered any such representations, the Complaints Sub-Committee considers that publication is in the public interest.

The Panel's Scrutiny Officer will prepare an update report after the resolution of a complaint(s) considered by the Complaints Sub-Committee to the next scheduled meeting of the Panel, the action taken (including any obligations to act, or refrain from acting, that have arisen under the regulations, but have not yet been complied with or have been contravened) and the outcome of the process.

If, at any stage, the IOPC informs the Panel that they require the complaint to be referred to them, or if the Complaints Sub-Committee decides that the complaint should be referred to the IOPC, the informal resolution process must be discontinued.

The Complaints Sub-Committee should only decide that the complaint should be so referred if matters come to light during the informal resolution process which indicates the committing of a criminal offence, thus leading to the earlier decision as to whether or not the complaint was a serious complaint being reversed.

At any stage, the Panel's scrutiny officer may seek legal advice from the Panel's legal adviser.

## **The Commissioner**

The Commissioner has a statutory duty and electoral mandate to hold the police to account on behalf of the public. The Commissioner is the recipient of all funding, including the government grant and precept and other sources of income, related to policing and crime reduction and all funding for a force must come via the Commissioner. How this money is allocated is a matter for the Commissioner in consultation with the Chief Constable, or in accordance with any grant terms. The Chief Constable will provide professional advice and recommendations.

The Commissioner has the legal power and duty to:

(a) set the strategic direction and objectives of the force through the Police and Crime Plan ("the Plan"), which must have regard to the Strategic Policing Requirement set by the Home Secretary

- (b) scrutinise, support and challenge the overall performance of the force including against the priorities agreed within the Plan
- (c) hold the Chief Constable to account for the performance of the force's officers and staff
- (d) decide the budget, allocating assets and funds to the Chief Constable; and set the precept
- (e) appoint the Chief Constable
- (f) remove the Chief Constable subject to following the process set out in Part 2 of Schedule 8 to the Police Reform and Social Responsibility Act 2011 ("the 2011 Act") and regulations made under section 50 of the Police Act 1996
- (g) maintain an efficient and effective police force for the police area
- (h) enter into collaboration agreements with other Commissioners, other policing bodies and partners that improve the efficiency or effectiveness of policing for one or more policing bodies or police forces in consultation with the Chief Constable (where this relates to the functions of the police force, then it must be with the agreement of the Chief Constable)
- (i) provide the local link between the police and communities, working to translate the legitimate desires and aspirations of the public into action
- (j) hold the Chief Constable to account for the totality of policing across the Thames Valley Police Area and for the exercise of the functions of the office of Chief Constable and the functions of the persons under the direction and control of the Chief Constable;
- (k) publish information specified by the Secretary of State and information that the Commissioner considers necessary to enable the people who live in the force area to assess the performance of the Commissioner and Chief Constable
- (l) comply with all reasonable formal requests from the Panel to attend their meetings
- (m) prepare and issue an annual report to the Panel on the Commissioner's delivery against the objectives set within the Plan
- (n) monitor all complaints made against officers and staff, whilst having responsibility for complaints against the Chief Constable

In addition, the Commissioner must not restrain the operational independence of the Chief Constable or Thames Valley Police.

In order to enable the Commissioner to exercise the functions of office effectively, the Commissioner will need access to information and officers and staff within the force area. Such access to any information must not be unreasonably withheld or obstructed by the Chief Constable and/or restrain the Chief Constable's direction and control of the force.

The Commissioner has wider responsibilities than those relating solely to Thames Valley Police, namely:

- (a) a specific responsibility for the delivery of community safety and crime reduction
- (b) the ability to bring together Community Safety Partnerships at the force level
- (c) the ability to make crime and disorder reduction grants within the force area
- (d) a duty to ensure all collaboration agreements with other Local Policing Bodies and forces deliver better value for money or enhance the effectiveness of policing capabilities and resilience
- (e) a wider responsibility for the enhancement of the delivery of criminal justice in the force area

(f) commission services and make grants to support victims and vulnerable people, or those affected by crime.

## The Panel

The Panel provides checks and balances in relation to the performance of the Commissioner. The Panel does not scrutinise the Chief Constable – it scrutinises the Commissioner’s exercise of statutory functions. While the Panel is there to challenge the Commissioner, it must also exercise its functions with a view to supporting the effective exercise of the Commissioner’s functions. This includes:

- (a) the power of veto, by a two-thirds majority of the total Panel membership, over the level of the Commissioner’s proposed precept;
- (b) the power of veto, by a two-thirds majority of the total Panel membership, over the Commissioner’s proposed candidate for Chief Constable;
- (c) the power to ask Her Majesty’s Inspectors of Constabulary (“HMIC”) for a professional view when the Commissioner intends to dismiss a Chief Constable;
- (d) the power to review the draft Plan and make recommendations to the Commissioner who must have regard to them;
- (e) the power to review the Commissioner’s Annual Report and make reports and recommendations at a public meeting, which the Commissioner must attend;
- (f) the power to require relevant reports and information in the Commissioner’s possession (except those which are operationally sensitive) to enable them to fulfil their statutory obligations;
- (g) the power to require the Commissioner to attend the Panel to answer questions;
- (h) the power to appoint an acting Police and Crime Commissioner where the incumbent Commissioner is incapacitated, resigns or is disqualified; and
- (i) responsibility for complaints about the Commissioner, although serious complaints and conduct matters must be passed to the IOPC in line with legislation.

Chairman of the Thames Valley Police and Crime Panel	Thames Valley Police and Crime Commissioner
Date:	Date: