

Joint Oversight Memorandum of Understanding

Introduction:

The Police Reform and Responsibility Act 2011 (PR&SA) makes a number of amendments to the Police Act 1996, placing statutory responsibilities on Police and Crime Commissioners (Commissioners) in respect of collaboration. This includes establishing joint oversight arrangements of collaborative arrangements. Section 23D of the PR&SR Act states that Commissioners must hold their Chief Constables (CCs) to account for acting under the terms of the collaboration agreement, i.e. where Force A provides a policing service for Forces A and B, the Commissioner of Force A must hold the CC of Force A to account for the delivery of that service in both policing areas. The Commissioner from Force B must ensure that suitable arrangements are in place for them to participate in the joint oversight of its delivery and assure themselves that the CC is appropriately held to account for the collaborative services being provided. The governance process is outlined in Appendix A.

It should be noted that a joint oversight arrangement will not negate the requirement for a CC to be answerable to their own Commissioner for the discharge of functions by police officers and staff acting under their direction and employment.

Purpose of the Memorandum of Understanding (MoU):

The aim of this MoU is to set out the terms under which joint oversight of police collaborations agreements will be achieved within Wales. Its focus is restricted to collaboration between constabularies.

The aim of the MoU is to set out how Commissioners and CCs can:

- sign up to new collaboration agreements or make amendments to existing agreements;
- keep collaborative opportunities under review (to include the setting and review of milestones to allow all parties to consider their on-going participation within each agreement);
- sign off the strategic aims, priorities and plans of agreements;
- participate in joint oversight of collaboration agreements in instances where their own CC is not directly responsible for the delivery of the service agreement itself;
- be consulted on decisions that fall under the direction and control of another Commissioner or CC;
- evidence accountability and transparency of collaboration agreements to their local communities;
- discuss Welsh issues with the Welsh Government, the Home Office, Ministry of Justice or other appropriate bodies.

Accountability and Governance:

The All Wales Policing Group consisting of the four Commissioners and CCs in Wales will be used as the forum to apply joint oversight arrangements. In accordance with an agreed programme the meeting agenda will cover joint oversight. Scrutiny will ordinarily follow a structured programme but Commissioners may, at any time, request additional items for discussion. The programme will oversee and scrutinise each collaboration agreement.

In addition to this, a Lead Chief of Staff / Chief Executive will attend the meeting as the main adviser. Additional relevant personnel will be invited to attend each oversight meeting. A minute taker will also be in attendance at each meeting.

The forum will not vote. Rather, it will facilitate joint scrutiny of existing local arrangements and enable Commissioners and CCs to explore new areas of potential.

A laminate model to joint oversight scrutiny will be applied, thereby involving only those Commissioners and CCs that are party to the collaboration agreement under scrutiny. The meeting should therefore commence with discussion of arrangements that fall under a four force model, and conclude with discussions that are based on a two force model. Appropriate personnel should vacate the meeting at the appropriate juncture.

Arrangements for oversight and scrutiny:

In accordance with an agreed programme the All Wales Policing Group should:

- Receive detailed updates against all collaboration agreements at pre-agreed intervals (as detailed in the Forward Work Programme for the Group, which will be maintained by a lead Chief Executive/Chief of Staff).
- Focus on a number of predetermined collaboration agreements at specific meetings (as detailed on the Forward Work Programme for the Group).
- Receive exceptional reports for each collaboration agreement.

The scrutiny applied to a collaboration agreement will cover:

- Contributions made by each Commissioner in terms of finance and resources.
- Its performance outcomes.
- Total funding received (i.e. detailing sources of funding received other than from local policing bodies).
- How the funding is being used.
- Its aims, priorities and plans.
- Its current budget and spend.
- How it is meeting national, regional and local risks.
- If and how it contributes to the Strategic Policing Requirement (including any gaps / risks faced).
- Reports that assess the efficiency or effectiveness of the agreement / project.
- Future developments / opportunities.

Responsibilities:

The collaboration agreement itself will identify the Force under which responsibility for direction and control sits.

It will be the responsibility of each Commissioner to monitor and scrutinise the efficiency and effectiveness of each collaboration agreement with its own CC. This will include the spend of the collaboration agreement. In instances where projected overspend exceeds the approved annual budget, a submission should be made to the All Wales Policing Group to approve the over spend or seek remedial action prior to it being incurred.

Publication:

Minutes of each joint oversight meeting should be made available via Commissioner websites within 10 working days of each meeting, giving transparency to governance arrangements. Restricted or sensitive information will be redacted from the publication. Decisions relating to the public release of information will be made in accordance with legislation.

The Lead Chief of Staff / Chief Executive will be responsible for the compilation and maintenance of records relating to the All Wales Policing Board. This will include the compilation of meeting agendas, papers and minutes.

Matters discussed at the forum which have operational sensitivity, relate to personal information or have commercial sensitivity will either be made public at an appropriate time in the future or be retained by the Lead Chief of Staff / Chief Executive.

Collaboration reports will be provided by each CC to the relevant Commissioner in advance of the meeting.

A forward work programme will be established to allow for effective planning and reporting. Papers submitted to the forum must be presented in the format template (Appendix B).

Section 23E of the Police Act 1996 requires governance arrangements of collaboration agreements to be published alongside the agreements themselves. Each Commissioner should make arrangements for publishing this MoU to meet their statutory duties.

Review:

This arrangement will be reviewed by the All Wales Policing Board at least annually from the anniversary of its commencement which is effective from 26th March 2014.

