**Office of the Police and Crime Commissioner for Nottinghamshire**

**Accountability Board**

**Terms of Reference**

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1. **Purpose**
	1. The purpose of this document is to set out the terms of reference for the operation of

 the Accountability Board.

* 1. The overarching purpose of the Accountability Board is:
1. to provide the public and other external stakeholders with confidence that the Police and Crime Commissioner is effectively supporting, challenging and holding the Chief Constable to account for delivering efficient and effective policing services; and,
2. to monitor progress in delivering the objectives of the Commissioner’s Police and Crime Plan and setting the strategic direction of local policing services
3. **Legislative Framework**

2.1 The legislative background which underpins the operation of the Accountability Board is

 contained within:

1. The Police Reform and Social Responsibility Act 2011; and,
2. The Policing Protocol Order 2011, as exercised by the above act

2.2 The key elements of the above are included at Appendix A, which in summary requires a

Police and Crime Commissioner to hold the Chief Constable to account for the exercise of:

1. The functions of the Chief Constable; and,
2. The functions of persons under the direction and control of the Chief Constable
3. **Responsibilities**

3.1 The responsibilities of the Accountability Board include:

1. Ratification of planning, objectives and strategy;
2. Oversight of budgets, resources and risk;
3. Monitoring of performance exceptions and progress in the delivery of statutory plans
4. Oversight of performance and delivery against key corporate plans, major projects, programmes and organisationally significant matters.
5. Monitoring the people agenda across both organisations.
6. **Objectives of the Board**
	1. The Accountability Board is principally a governance board. Its purpose is to provide the Police and Crime Commissioner with an opportunity to discharge the statutory duty of holding the Chief Constable to account in accordance with the Legislative Framework.
	2. The Accountability Board enables determination to be undertaken by the Commissioner for any matters which are at law decisions for the Police and Crime Commissioner, except for:
7. matters which the Commissioner as a reasonable exercise of discretion from time to time determines outside of the meeting; or
8. matters which are for the time being determinable by delegates under the Scheme of Delegation.
	1. The Accountability Board provides a framework by which the Police and Crime Commissioner and Chief Constable can exercise good governance and public accountability in a meaningful and transparent way. This includes opportunities to demonstrate:
* progress against objectives set out in the Police and Crime Plan
* delivery of value for money across a broad range of policing functions
* response to matters of national policy, publications and inspections
	1. The Accountability Board also provides the opportunity to record any key decisions, matters of organisational significance, relating to the police service. Such decisions must be scheduled in advance on the Forward Work Programme, and information on the decision request, recommendations and rationale must be provided to the Office of Police and Crime Commissioner no later than five working days in advance of the meeting.
	2. In consultation with the Office of Police and Crime Commissioner, the Accountability Board can provide opportunity to raise issues by exception, and to receive direction on those issues. Such issues can relate to a range of organisationally relevant topics, themes, and risk issues, of which the Police and Crime Plan forms the foundation.
	3. The Chief Constable is expected to ensure that their Police and Crime Commissioner is kept regularly informed of their decisions and operational activity in a timely manner so that the Police and Crime Commissioner can hold the Chief Constable to account for the totality of policing within their force area, including the operational delivery of the police service.
1. **Principles and Approach**
	1. The Accountability Board aims to ensure openness and transparency in the activities undertaken by the Police and Crime Commissioner to support, challenge and hold the Chief Constable to account over a broad range of police functions and decisions.
	2. The work of the Accountability Board is underpinned by the nine policing principles set out in the College of Policing’s Code of Ethics, which are, in turn built upon the Nolan principles for public life. These are: accountability, integrity, openness, fairness, leadership, respect, honesty, objectivity and selflessness.
2. **Access to Information**
	1. The Accountability Board will be furnished with any information that is considered necessary by the PCC and CEO to fulfil its role, as far as is practicable.
3. **Attendance at Accountability Board Meetings**
	1. Accountability Board Meetings, including Extraordinary meetings, must be attended by the following statutory members:

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| --- | --- |
| **OPCC** | **Force** |
| Police & Crime Commissioner | Chief Constable |
| Chief Executive & Monitoring Officer | Chief Finance Officer |
| Chief Finance Officer |  |

Normal Board meetings will also be attended by:

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| --- | --- |
| Head of Strategy and Performance | Deputy Chief Constable |
| Executive Assistant  | Assistant Chief Constables (as deemed necessary) |
| Business Support Officer | Heads of Service (as deemed necessary) |

Other officers or staff may be required to attend from time to time to provide input in relation to agenda items.

* 1. The Chief Constable is required to attend Accountability Board but where this is not possible, the Deputy Chief Constable will deputise, provided it is appropriate. The Police and Crime Commissioner reserves the right to reschedule an Accountability Board meeting if suitable representation is not available.
	2. The coordination and administration of the Accountability Board Meetings will be undertaken by the Office of Police and Crime Commissioner.

**7. Accountability Board Operational Effectiveness**

7.1 The Accountability Board will ensure it is effective in fulfilling its role and achieving its

 objectives by:

1. Ensuring that Accountability Board meetings reflect the Policing Protocol 2011 direction on the relationship that needs to be maintained between the Police and Crime Commissioner’s and the Chief Constable, including mutual respect and a good understanding of each other’s role, where the role of the Commissioner is to act as a ‘critical friend’ and strive for and efficient and effective policing within the police force area;
2. Understanding that operational independence held by the Chief Constable is context driven;
3. Understanding that the Chief Constable is responsible to the public and accountable for notifying and briefing the Police and Crime Commissioner of any matter on which the Police and Crime Commissioner may need to provide public information and reassurance;
4. Ensuring that Accountability Board meetings support and reinforce the Nolan Seven Principles of Public Life and College of Policing’s Code of Ethics;
5. Making its terms of reference publicly available through the website of the Police and Crime Commissioner;
6. Publishing the agenda and outcomes of each Accountability Board in the public domain and having a clear policy on those items to be considered;
7. Publishing all decision notices at the earliest possible opportunity (unless a lawful exemption, which must be specified, should be applied);
8. Publishing, at the earliest opportunity, the Police and Crime Plan themes raised at the Accountability Board Meetings on the Police and Crime Commissioner’s website, together with a summary of the minutes and actions taken (unless a lawful exemption, which must be specified, should be applied); and,
9. Carrying out an annual review of its own effectiveness to identify any areas of improvement.
10. **Conflicts of interest**
	1. The following applies whenever a person in attendance at Accountability Board becomes aware of an issue of conflict, for either themselves, or another attendee:
11. The attendee must notify the Police and Crime Commissioner as soon as they realise that there may be a potential conflict; and,
12. The Accountability Board will then consider whether there is a conflict of interest for that attendee, and whether the member’s ability to take an objective view of the topic has been compromised. If deemed appropriate by the Accountability Board, the attendee will absent themselves from the discussion of that topic.
13. **Meeting**
	1. The Accountability Board Meetings will take place on the last Tuesday of each month, in line with best practice guidance, and will commence at a time and date to be determined by the OPCC, unless otherwise stated.

9.2 The dates of the Accountability Board Meetings for the calendar year will be shared with

Nottinghamshire Police in advance. These dates will also be published on the Police and Crime Commissioner’s website.

9.3 Occasionally, an Extraordinary Accountability Board Meeting will be required to hold the

Chief Constable to account on issues that may be:

1. sensitive in nature;
2. relate to reputational risk;
3. time sensitive; and/ or,
4. are matters that can be reasonably said to be novel, contentious and/ or repercussive.

9.4 A decision about the access to the Accountability Board Meetings will be taken by the

Police and Crime Commissioner Senior Leadership Team ahead of any scheduled meetings, based on the agenda items being discussed. Access to Accountability Board is at the discretion of the Police and Crime Commissioner.

1. **Agenda setting**
	1. The agenda for the Accountability Board Meetings will be prepared by the OPCC and agreed by the Police and Crime Commissioner.
	2. The progress made against the policing and crime objectives set out in the Police and Crime Commissioner’s Police & Crime Plan will be examined through the Accountability Board Meetings.

10.3 Every published report, which requires Police and Crime Commissioner comment, from Her Majesty’s Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) will be scrutinised at the next scheduled Accountability Board Meeting including following up on any recommendations previously identified.

10.4 Throughout the agenda setting process, any sensitive and/or confidential agenda items will be identified and a decision taken as to whether any particular items need to be raised under an Extraordinary Accountability Board Meeting, and withheld from publication.

* 1. Proposed ‘themes of questioning’ will be shared with Nottinghamshire Police ahead of the Accountability Board, to ensure its effective operation. These will be shared with Nottinghamshire Police no less than five working days before the scheduled Accountability Board Meeting, in accordance with the best practice identified within the Local Government Act 2000.
	2. Any topical items can be added to the agenda by the Police and Crime Commissioner and Chief Constable, up to and including on the day of the scheduled Accountability Board Meeting, as required. It is accepted that in these circumstances there may be limitations to the information that can be provided by Nottinghamshire Police at that time.
	3. An annual programme of work will be agreed by the Board, showing expected documents and reports to be presented and the order of themes sourced from the Police and Crime Plan.
	4. The programme of work for Accountability Board following the Police and Crime Plan will be managed by the Police and Crime Commissioner.
1. **Performance and Review**

11.1These Terms of Reference will be agreed within Accountability Board and will be subject to annual review.

**Appendix A**

**The Police Reform and Social Responsibility Act 2011**

Chapter 1, s8:

(8)The police and crime commissioner must, in particular, hold the chief constable to account for—

(a) the exercise of the duty under section 8 [(2)](http://www.legislation.gov.uk/ukpga/2011/13/section/1/enacted) (duty to have regard to police and crime plan);

(b) the exercise of the duty under section 37A (2) of the Police Act 1996 (duty to have regard to strategic policing requirement);

(c) the exercise of the duty under section 39A (7) of the Police Act 1996 (duty to have regard to codes of practice issued by Secretary of State);

(d) the effectiveness and efficiency of the chief constable’s arrangements for co-operating with other persons in the exercise of the chief constable’s functions (whether under section 22A of the Police Act 1996 or otherwise);

(e) the effectiveness and efficiency of the chief constable’s arrangements under section 34 (engagement with local people);

(f) the extent to which the chief constable has complied with section 35 (value for money);

(g) the exercise of duties relating to equality and diversity that are imposed on the chief constable by any enactment;

(h) the exercise of duties in relation to the safeguarding of children and the promotion of child welfare that are imposed on the chief constable by sections 10 and 11 of the Children Act 2004.

**The Policing Protocol Order 2011**

(Relevant sentences have been highlighted in bold)

**Para 17.**

The PCC 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 for the force area;

(e) appoint the Chief Constable (except in London where the appointment is made by the Queen on the recommendation of the Home Secretary);

(f) remove the Chief Constable subject to following the process set out in Part 2 of Schedule 8 to the 2011 Act and regulations made under section 50 of the Police Act 1996([**3**](http://www.legislation.gov.uk/uksi/2011/2744/made#f00003));

(g) maintain an efficient and effective police force for the police area;

(h) enter into collaboration agreements with other PCCs, 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 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 PCC considers necessary to enable the people who live in the force area to assess the performance of the PCC 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 PCC’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.**

**The Seven Principles of Public Life (also known as the Nolan Principles)**

The Seven Principles of Public Life (also known as the Nolan Principles) apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the Civil Service, local government, the police, courts and probation services, non-departmental public bodies (NDPBs), and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also apply to all those in other sectors delivering public services.

1. **Selflessness:** Holders of public office should act solely in terms of the public interest.
2. **Integrity:** Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
3. **Objectivity:** Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
4. **Accountability:** Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
5. **Openness:** Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
6. **Honesty:** Holders of public office should be truthful.
7. **Leadership:** Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

In addition the Policing Principles set out in the College Of Policing’s Code Of Ethics include the principles of ‘**fairness**’ and ‘**respect**’ as research has shown these to be crucial to maintaining and enhancing public confidence in policing.