

# **The Office of the Police and Crime Commissioner**

## **Terms of Reference**

### **Performance and Accountability Board (PAB)**

#### **1. Purpose**

- 1.1** PAB will provide a mechanism for the PCC to fulfil the Statutory Obligation that exists within the Police Reform and Social Responsibility Act for holding the Chief Constable to account for delivering an effective and efficient police service.
- 1.2** Public accountability for policing in Devon and Cornwall rests with the Police and Crime Commissioner (PCC). The purpose of the Devon and Cornwall Performance and Accountability Board is to provide a mechanism for the PCC to:
- Hold the Chief Constable to account for the functions of the Chief Constable, and also hold the Chief Constable to account for the functions of persons under the direction & control of the CC, in particular the PCC must hold the Chief Constable to account for delivering:
    - The Strategic Policing Requirement
    - Having regard to the Police and Crime Plan
    - Compliance with Codes of practice
    - Engagement with local people
  - Ensure compliance with the statutory duties of the Police and Crime Commissioner to ensure the PCC's function of holding the Chief Constable to account for delivering an efficient and effective police service in Devon and Cornwall is exercised effectively;
  - Enable the PCC to be accountable to the people of Devon, Cornwall and the Isles of Scilly through open and transparent governance;
  - Scrutinise the performance of commissioned services and managed contracts to ensure efficiency, effectiveness and that expected outcomes are being achieved within the budget.

#### **2. Principles**

- The scrutiny process of the PAB will be conducted in a way that will allow both the Commissioner and the Chief Constable to fulfil their respective statutory obligations and accountabilities in relation to the scrutiny of policing.
- The performance framework will be established to enable the Commissioner to hold the Chief Constable to account for the Constabulary's efficiency and effectiveness, having regard to the requirements in the Police Reform and Social Responsibility Act 2011 and the Policing Protocol Order 2011.
- The PAB meeting will be open to public attendance and will where possible be broadcast live through the internet.
- The PAB meeting will not be open to active public engagement, however any questions submitted by the public will be responded to after the meeting.
- The Commissioner will conduct scrutiny of performance on a bi-monthly basis.
- The Commissioner may seek additional information from the Chief Constable for presentation and discussion at PAB
- The Commissioner may seek information from any individual or source to inform the scrutiny process.

- The Commissioner will have regard to reports from external bodies including (but not limited to) the external auditor, Her Majesty's Inspectorate of Constabulary and the Independent Police Complaints Commission.
- The Commissioner will report publicly on the outcomes of the scrutiny process. This will include information on areas where the Constabulary is performing well and areas identified for improvement.

### 3. Objectives

#### 3.1 The objectives of the PAB are for the PCC to:

- Gain assurance on the delivery of the Police and Crime Plan, including engagement with local people, diversity and equality and safeguarding as set out in the performance framework;
- Identify any areas for improvement following the examination of reports from the Chief Constable;
- Ensure that customer service requirements, including victims' needs are being met;
- Ensure that all aspects of equality and diversity are being managed effectively;
- Encourage the public's engagement with police accountability;
- Ensure transparency of service delivery;
- Evaluate effective participation in partnership working arrangements;
- Ensure compliance by the commissioner and Chief Constable of all statutory and common law duties including, but not limited to the Human Rights Act 1998, Health and Safety , Employment Legislation, Police Regulations, Data Protection, and Freedom of Information etc.

**Nothing in the Terms of Reference fetters the PCC's right to hold the Chief Constable to account at any time.**

**Nothing in the Terms of Reference fetters the Police and Crime Panel from conducting its statutory duties**

### 4. Composition

The PAB is comprised of:  
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- Police and Crime Commissioner
- Special Advisor to the PCC
- PCC Advisors
- OPCC Chief Executive
- OPCC Treasurer
- Chief Constable

Invitees are

- Deputy Chief Constable\*
- Assistant Chief Constables\*
- Chief Superintendants\*
- Local CSP Chairs

Other officers and staff to attend by invitation

PAB to be supported by officers from the OPCC

\* to attend at discretion of the Chief Constable dependent upon agenda item

PAB meetings will be open to public attendance.

## 5. Arrangements and Administration

5.1 **Frequency:** Meetings of the PAB will be held every other month, or more frequently if required, and a calendar of meetings will be published on the websites of the OPCC and the Force.

5.2 **Quorum:** PAB will be quorate if the Police and Crime Commissioner, Chief Constable and OPCC Chief Executive are in attendance or represented by a nominated deputy.

5.3 **Chair:** The meeting of the PAB will be chaired by the PCC or, in the absence of the PCC, the PCC's Senior Advisor or the Chief Executive.

Any power or duty of the Chair in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

### 5.4 **Agenda/Reports/Minutes:**

- i) The agenda, reports and minutes of the meetings of the PAB will be published on the OPCC and Force websites.
- ii) AOBs may be allowed at the discretion of the Chair.
- iii) The minutes will provide a record of attendance for each meeting.
- iv) The agenda for a meeting of the PAB shall be co-ordinated between the Police and Crime Commissioner and the Chief Constable, or their representatives.
- v) An initial draft agenda for each meeting will be circulated by the meeting administrator, for discussion, 15 working days before the next meeting.
- vi) The final agenda will be agreed by the PCC and the Chief Constable 10 working days before the meeting, subject to the addition of late items by agreement.
- vii) The deadline for reports to be received by the meeting administrator will be 7 working days before the meeting.

### 5.5 **Disclosable Interests:**

- i) The Police and Crime Commissioner or a member of the PAB shall withdraw from any meeting if s/he has a disclosable interest within the meaning of Paragraph 1 of Schedule A to the Police and Crime Commissioner's Code of Conduct and the Code of Conduct for Audit, Risk and Assurance Committee members, unless there is a dispensation from the Chief Executive.
- ii) Where the Police and Crime Commissioner or a member of the PAB has declared an interest at a meeting, left the meeting and has chosen to remain within easy reach, s/he shall be recalled before any further business has begun.
- iii) Where an interest has been declared this will be recorded in the minutes of the meeting.

