

Part 6
Terms of Reference for Committees

Part 6 – Terms of Reference for Committees

1	TERMS OF REFERENCE FOR COMMITTEES.....	3
2	JOINT MANAGEMENT BOARD.....	4
3	JOINT AUDIT COMMITTEE.....	12
4	APPOINTMENTS AND REMUNERATION COMMITTEE	21
5	PCC COMMISSIONING SCRUTINY BOARD	27
6	FORCE PROGRAMME BOARD	29
7	CHIEF OFFICERS’ GROUP OF THE CHIEF CONSTABLE	32
8	PERFORMANCE AND ACCOUNTABILITY BOARD (PAB).....	38

1. **Terms of reference for committees**

1.1 This part of the scheme of governance of the Police and Crime Commissioner for Devon and Cornwall and the Chief Constable for Devon and Cornwall contains the terms of reference for the following committees:

1.1.1 Joint Management Board

1.1.2 Joint Audit Committee

1.1.3 Appointments and Remuneration Committee

1.1.4 PCC Commissioning Scrutiny Board

1.1.5 Force Management Board

1.1.6 Chief Officers' Group of the Chief Constable

1.1.7 Performance and Accountability Board

1.2 The terms of reference link with the scheme of delegation of the Police and Crime Commissioner for Devon and Cornwall and the Chief Constable for Devon and Cornwall. The committees and their terms of reference have an important role in decision making on behalf of the Police and Crime Commissioner for Devon and Cornwall and the Chief Constable for Devon and Cornwall.

2. **Joint Management Board**

2.1 **Purpose**

The purpose of the Joint Management Board (JMB) is to act as a coordinating and decision making forum for the Police and Crime Commissioner (PCC) and the Chief Constable as two separate corporations sole to consult on the most significant strategic issues that jointly affect them with a view to determining the strategic direction of the Force. The JMB also has responsibility for taking some decisions. It will also provide an advisory forum in which the Police and Crime Commissioner, Deputy Police and Crime Commissioner and Chief Constable can take advice from statutory officers and other professional advisors from the Chief Officer Group. It does not replace the need for the Police and Crime Commissioner and Chief Constable to hold separate strategic meetings, for example, Chief Officer Group meetings, in order to effectively discharge their statutory duties.

2.2 **Decision Making**

2.2.1 It is acknowledged that at all times the Chief Constable will retain operational independence.

2.2.2 The JMB shall have regard to the Policing Protocol in the discharge of its functions.

2.2.3 The JMB is responsible for the following types of decision as identified in the decision making framework:

2.2.3.1 Decisions that should be taken by the Police and Crime Commissioner and Chief Constable in consultation with each other by means of determination at the Joint Management Board, for example decisions that:

(a) Significantly alter the Police and Crime Plan and/or the strategic direction of the Police and Crime Commissioner or the Force.

(b) Have a significant impact on community engagement or accountability to the public.

(c) Impact on the current or future resources available for policing in Devon and Cornwall.

(d) Create significant commitments in future financial years.

- (e) Have a significant impact on collaborative or other joint working.
- (f) Involve novel or contentious matters.

2.2.4 Decisions taken by the JMB shall be taken by simple majority.

2.3 Specific Areas of Operation

2.3.1 The following covers the scope of the Joint Management Board:

2.3.1.1 To make recommendations and provide advice to the Police and Crime Commissioner and Chief Constable on all matters which are reserved to the Police and Crime Commissioner and Chief Constable for decision. This includes but is not limited to:

Decisions of the Police and Crime Commissioner.

- (a) Advising the Police and Crime Commissioner on each police and crime plan.
- (b) Advising the Police and Crime Commissioner on determining police and crime objectives.
- (c) Advising the Police and Crime Commissioner on each annual report to the Police and Crime Panel.
- (d) Advising the Police and Crime Commissioner on setting each budget and precept.

Decisions of the Chief Constable

- (e) Advising the Chief Constable on proposals to increase or decrease staffing levels;
- (f) Advising the Chief Constable on proposals for collaboration;
- (g) Advising on complaints and claims received.

Other Decisions

2.3.1.2 To receive reports that require decisions.

2.3.1.3 To, where necessary, consider requests from and responses to information by the Police and Crime Panel.

Part 6 – Terms of Reference for Committees

- 2.3.1.4 To monitor on a regular basis the financial resources of the corporations sole including the budget of the Office of the Police and Crime Commissioner, IT, procurement, finance and other areas as appropriate.
- 2.3.1.5 To ensure that the governance framework is reviewed annually in accordance with the Financial Management Code of Practice.
- 2.3.1.6 To monitor complaints, if considered significant by the Commissioners Team Meeting and/or the Chief Officers Group.
- 2.3.1.7 To oversee the agenda of the Joint Audit Committee and to respond to matters raised by it and any other committees set up under the Police and Crime Commissioner.
- 2.3.1.8 To consider any revisions necessary to the Police and Crime Plan.
- 2.3.1.9 To monitor the achievement of outcomes from the Police and Crime Plan.
- 2.3.1.10 To co-ordinate responses to any external reports or consultations.
- 2.3.1.11 To receive specialist reports from professional advisors on such matters as Job Evaluation, Business Change Programme, Human Resources issues, Legal Services issues and significant risks affecting the Force.
- 2.3.1.12 To regularly receive reports on the cross cutting functions of diversity, environmental issues, value for money and health and safety.
- 2.3.1.13 To receive reports from any joint working parties.
- 2.3.1.14 To receive reports on any Projects, from either or both corporations sole.
- 2.3.1.15 To consider reports from the Police and Crime Commissioner seeking approval for the Police and Crime Commissioner to give a formal consent to the Chief Constable and to grant or refuse approval for the Police and Crime Commissioner to give a formal consent to the Chief Constable. The JMB shall notify the Chief Constable

when it receives such a report and shall invite the Chief Constable to make representations before the JMB makes a decision as to whether to grant or refuse approval.

- 2.3.1.16 To authorise and finalise the details of contracts and other agreements to be entered into by the Police and Crime Commissioner subject to the procedures set out in the financial regulations of the Police and Crime Commissioner and the Chief Constable.
- 2.3.1.17 To authorise and finalise the details of contracts and other agreements to be entered into by the Chief Constable subject to the procedures set out in the financial regulations of the Police and Crime Commissioner and the Chief Constable.
- 2.3.1.18 To authorise and finalise the details of the acquisition and disposal of property including land by the Police and Crime Commissioner.
- 2.3.1.19 To authorise and finalise the details of the acquisition and disposal of property not including land by the Chief Constable.
- 2.3.1.20 To commission research into possible policy developments.
- 2.3.1.21 To authorise appropriate consultation into possible policy developments.

2.4 **Frequency**

- 2.4.1 The JMB will meet monthly or more frequently as necessary to discharge any significant strategic issues.

2.5 **Composition**

2.5.1 **Office of the Police and Crime Commissioner**

The composition will be:

- 2.5.1.1 The Police and Crime Commissioner*
- 2.5.1.2 The Office of the Police and Crime Commissioner Chief Executive (Chair)*

Part 6 – Terms of Reference for Committees

2.5.1.3 The Deputy Office of the Police and Crime Commissioner Chief Executive, if appointed

2.5.1.4 The Office of the Police and Crime Commissioner Treasurer*

2.5.1.5 Professional Advisers as required.

* These persons will attend each JMB meeting. Other persons from the office of the Police and Crime Commissioner will attend dependent on the nature of the items on the agenda.

2.5.2 **Devon and Cornwall Police Force**

The composition will be:

2.5.2.1 The Chief Constable*

2.5.2.2 The Deputy Chief Constable*

2.5.2.3 The Director of Finance and Resources*

2.5.2.4 The Director of Legal Services*

2.5.2.5 The Director of People and Leadership

2.5.2.6 All Assistant Chief Constables.

* These officers and staff of the Police Force will attend each JMB meeting, all other members of the Force will attend dependent upon the nature of the items on the agenda.

2.6 **Joint Management Board Meetings**

2.6.1 **Frequency**

Meetings of the JMB will be held each month, or more frequently if required, and a calendar of meetings will be published on the websites of the Office of the Police and Crime Commissioner and the Force.

2.6.2 **Quorum**

JMB will be quorate if the Police and Crime Commissioner, Chief Constable, either the Office of the Police and Crime Commissioner Treasurer or Director of Finance and Resources, the Office of the Police and Crime Commissioner Chief Executive and the Director of Legal Services are in attendance or represented by a nominated deputy.

2.6.3 **Chair**

The meeting of the JMB will be chaired by the Police and Crime Commissioner or a nominated deputy. 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. In the rare circumstances where JMB deals with issues that are “operational” in nature, JMB will be chaired by the Chief Constable.

2.6.4 **Voting**

2.6.4.1 All questions coming or arising before the JMB shall be decided by a majority of the members of the JMB present and voting on those questions at a meeting of the JMB.

2.6.4.2 In the case of an equality of votes the person chairing at the meeting shall have a second or casting vote.

2.6.5 **Agenda/Reports/Minutes**

2.6.5.1 The agenda, reports and minutes of the meetings of the JMB will be published on the Office of the Police and Crime Commissioner and Force websites.

2.6.5.2 Subject to the provisions within the Police and Social Responsibility Act 2011, the Freedom of Information Act 2000 and the Elected Local Policing Bodies (Specified Information) Order 2011, the Elected Local Policing

Part 6 – Terms of Reference for Committees

Bodies (Specified Information) (Amendment) Order 2012, and the Elected Local Policing Bodies (Specified Information) (Amendment) Order 2013, JMB reports and documents marked as “Confidential”, “Exempt”, “Restricted”, “Part II” or “not for publication” shall be treated as confidential.

- 2.6.5.3 Where the Chair of the JMB is satisfied that an urgent decision of the JMB that is not on the agenda for a meeting of the JMB is required then such urgent decision may be taken at that meeting. The Chair of the JMB shall report to the next meeting of the JMB on the decision and the reason why an urgent decision was necessary.
- 2.6.5.4 The minutes will provide a record of attendance for each meeting.
- 2.6.5.5 The agenda for a meeting of the JMB shall be prepared by the Chief Executive of the Office of the Police and Crime Commissioner, in consultation with the Police and Crime Commissioner and the Chief Constable, and their representatives named in 2.5.1 and 2.5.2.
- 2.6.5.6 An initial draft agenda for each meeting will be circulated by the Chief Executive of the Office of the Police and Crime Commissioner to the Police and Crime Commissioner and the Chief Constable for discussion at least 21 days in advance of the meeting date.
- 2.6.5.7 The final agenda will be agreed by the Police and Crime Commissioner and the Chief Constable 10 working days before the meeting, subject to the addition of late items by agreement.
- 2.6.5.8 The deadline for reports to be received by the meeting administrator will be 7 working days before the meeting. The JMB shall make the agenda and reports for each meeting that are open to the public available for inspection at the office of the Police and Crime Commissioner no later than shall be published not less than 5 clear working days before the meeting. If an item is added to the agenda later the JMB shall make the revised agenda and additional report or reports available at the time as soon as the additional report or reports are added to the agenda.

2.6.6 **Declarations of Interest**

- 2.6.6.1 The Police and Crime Commissioner or a member of the JMB shall withdraw from any meeting if s/he has a disclosable interest within the meaning of the Schedule to the Police and Crime Commissioner's and Deputy Police and Crime Commissioner's Code of Conduct, unless there is a dispensation from the Chief Executive.
- 2.6.6.2 A dispensation may be given if any of the following circumstances apply:
- (a) The Chief Executive considers that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the JMB as to impede the transaction of the business.
 - (b) The Chief Executive considers that granting the dispensation is in the interests of persons living in the area served by the Police and Crime Commissioner and the Chief Constable.
 - (c) The Chief Executive considers that it is otherwise appropriate to grant a dispensation.
- 2.6.6.3 Where an interest has been declared this will be recorded in the minutes of the meeting.

2.6.7 **Decisions**

- 2.6.7.1 All formal decisions which are taken at a meeting of the JMB, and supporting reports where appropriate, will be published on the website of the Police and Crime Commissioner and the Chief Constable unless they are sensitive or confidential and for that reason should not be published. The Police and Crime Commissioner shall determine if information sensitive or confidential and for that reason should not be published.

3. **Joint Audit Committee**

3.1 **Purpose**

3.1.1 The purpose of the Joint Audit Committee is:

- 3.1.1.1 To provide independent assurance to the Police and Crime Commissioner and the Chief Constable regarding the adequacy of the risk management framework and the associated control environment.
- 3.1.1.2 To provide independent scrutiny of the Force's and Office of the Police and Crime Commissioner's financial and non-financial performance (to the extent that it affects their exposure to risk and weakens the control environment).
- 3.1.1.3 To oversee the financial reporting process.
- 3.1.1.4 To support the Police and Crime Commissioner, Chief Constable and their statutory officers in ensuring that effective governance is in place.
- 3.1.1.5 To review any issue referred to it by the Police and Crime Commissioner or Chief Constable or their statutory officers relating to governance or risk management.
- 3.1.1.6 To monitor the effectiveness of governance and risk management and to make recommendations to the Police and Crime Commissioner or the Chief Constable for improvements to governance and risk management when it considers this appropriate.

3.2 **Scope**

3.2.1 The Joint Audit Committee generally provides comments, advice and assurance on matters relating to the internal control environment of the Force and the Office of the Police and Crime Commissioner (OPCC). It has oversight of general governance matters and will provide comments on any new or proposed Police and Crime Commissioner policies and strategies or changes to existing relevant policies and strategies which in the opinion of the Treasurer and Director of Finance and Resources are significant with regards to financial risk and probity.

- 3.2.2 If the Joint Audit Committee has concerns about a specific governance or audit matter it may request the relevant policy or strategy to be presented to the Committee in order that assurance may be obtained and constructive comment provided where appropriate.
- 3.2.3 The Joint Audit Committee has three approval powers:
 - 3.2.3.1 To approve the Annual Governance Statement for inclusion in the Statement of Accounts.
 - 3.2.3.2 To approve any Code of Corporate Governance for the Force or the Office of the Police and Crime Commissioner.
 - 3.2.3.3 To approve (but not direct) the Internal Audit Strategy and Plan.
- 3.2.4 The following do **NOT** fall within the scope of the Joint Audit Committee:
 - 3.2.4.1 Force performance and Force Operational Risks.
 - 3.2.4.2 The review of HMIC reports with an operational theme/basis as identified by HMIC.
 - 3.2.4.3 The management of the internal audit function.
 - 3.2.4.4 Any reviews carried out by the Police and Crime Panel.

3.3 **Methods of Working**

- 3.3.1 The Joint Audit Committee will:
 - 3.3.1.1 Advise the Chief Constable and the Police and Crime Commissioner according to good governance principles.
 - 3.3.1.2 Adopt appropriate risk management arrangements.
 - 3.3.1.3 Provide robust and constructive challenge.
 - 3.3.1.4 Take account of the principles of Corporate Social Responsibility (CSR) (which includes financial and economic stewardship (including VFM); people and communities (including Diversity, Equality and Human Rights) and environmental sustainability and health & safety).

3.4 **Specific Responsibilities**

3.4.1 **Financial Management**

- 3.4.1.1 Provide assurance regarding the Statement of Accounts and that the appropriate accounting policies have been applied including any policies from CIPFA or from, the Government with which the Police and Crime Commissioner are required to comply or to which they are required to have regard.
- 3.4.1.2 Monitor the integrity of any published financial statements and any formal announcements relating to financial performance.
- 3.4.1.3 Consider and comment upon any policy or strategy regarding reserves.
- 3.4.1.4 Consider and comment upon the budget planning process.
- 3.4.1.5 Consider and comment upon the Medium Term Financial Strategy.
- 3.4.1.6 Consider and comment upon any policy or strategy regarding loans, investments or borrowing.
- 3.4.1.7 Consider and comment upon any policy or strategy regarding asset management.

3.4.2 **Internal Control and Governance Environment**

- 3.4.2.1 Approve the Annual Governance Statement for inclusion in the Statement of Accounts.
- 3.4.2.2 Approve any Code of Corporate Governance for the Force or the Office of the Police and Crime Commissioner.
- 3.4.2.3 Consider and comment upon the Scheme of Consent.
- 3.4.2.4 Consider and comment upon financial regulations (including powers to enter into contracts and acquire or dispose of property).
- 3.4.2.5 Consider and comment upon any policy or strategy relating to sponsorship.

Part 6 – Terms of Reference for Committees

- 3.4.2.6 Consider and comment upon anti fraud and anti corruption arrangements including “whistle blowing.”
 - 3.4.2.7 Consider and comment upon any policy or strategy regarding commissioning.
 - 3.4.2.8 Consider and comment upon any proposals regarding the giving of grants.
 - 3.4.2.9 Review the effectiveness of internal control systems and provide assurance regarding such systems.
 - 3.4.2.10 Commission assurance work e.g. specialist advice or audit.
 - 3.4.2.11 Consider and comment upon the assurance framework.
 - 3.4.2.12 Consider and comment upon compliance with the statutory duties regarding the Police and Crime Commissioner.
 - 3.4.2.13 Consider and comment upon any transition arrangements for staff and assets.
 - 3.4.2.14 Review compliance with policies relating to declarations of interest, gifts and hospitality.
 - 3.4.2.15 To consider and comment on bad debt write-offs.
 - 3.4.2.16 To consider and comment on the appropriateness of contract waivers.
- 3.4.3 **Corporate Risk Management**
- 3.4.3.1 Consider and comment upon the strategic risk processes.
 - 3.4.3.2 Provide assurance that organisational risks are being managed effectively and that published goals and objectives will be achieved efficiently and economically.
- 3.4.4 **Internal Audit**
- 3.4.4.1 Approve (but not direct) the Internal Audit Strategy and Plan.
 - 3.4.4.2 Review the effectiveness (including resourcing) of internal audit.

Part 6 – Terms of Reference for Committees

- 3.4.4.3 Receive and review internal audit reports and monitor progress of implementing recommendations.
- 3.4.4.4 Consider and comment upon the annual report of the Head of Internal Audit.
- 3.4.4.5 Involvement with the recruitment or termination of employment of the Head of Internal Audit.
- 3.4.4.6 Consider and comment upon any proposals affecting the provision of the internal audit service.

3.4.5 **External Audit**

- 3.4.5.1 Receive and review reports from the external auditors including the annual audit letter, audit opinion etc.
- 3.4.5.2 Review the effectiveness of external audit.
- 3.4.5.3 Consider and comment upon any proposals affecting the provision of the external audit service.
- 3.4.5.4 Consider the level of fees charged for external audit.

3.4.6 **Reporting Line:**

The Joint Audit Committee will report direct to the Police and Crime Commissioner and the Chief Constable.

3.4.7 **Links:**

- 3.4.7.1 In the course of its work the Committee will work with the following and may refer matters to them for decisions and require them to report to the Joint Audit Committee:
 - (a) Chief Finance Officers.
 - (b) Monitoring Officers.
 - (c) Equality & Human Rights Commission.
 - (d) Government Equalities Office.
 - (e) Head of Internal Audit.
 - (f) External Auditors.
 - (g) Her Majesty's Inspector of Constabulary.

- (h) The Police and Crime Panel for Devon and Cornwall.
- (i) Regional Committees.
- (j) Community Safety Partnerships.

3.5 Composition of the Committee:

- 3.5.1 The Committee will have 5 members, independent of both Devon and Cornwall Constabulary and the Office of the Police and Crime Commissioner.

3.6 Quorum:

- 3.6.1 The quorum of the Committee will be 3 members.

3.7 Election of Chair & Vice-Chair

- 3.7.1 The Chair and Vice- Chair are to be elected annually by the Committee.

3.8 Number of meetings:

- 3.8.1 There will be a minimum of 4 formal Committee meetings scheduled per year. Additional formal meetings will be required in the early years of this Committee.

3.9 Information publicly available:

- 3.9.1 The agenda, reports and minutes of formal meetings will be made available on the Office of the Police and Crime Commissioner and Force websites. Agendas and reports will be published 5 working days before each meeting, not including Bank Holidays. The "FOI Open" agreed agenda items at meetings will be webcast via the Office of the Police and Crime Commissioner website.

3.10 Attendance at Audit Committee Meetings

- 3.10.1 The Police and Crime Commissioner and the Chief Constable should attend or be appropriately represented at formal meetings of the Joint Audit Committee.

3.11 Information Relating to Members of the Joint Audit Committee

- 3.11.1 Eligibility to be a member of the Joint Audit Committee

Part 6 – Terms of Reference for Committees

- 3.11.1.1 Joint Audit Committee Members must be independent of both the Force and the Police and Crime Commissioner. Serving police officers, police staff or staff employed in an Office of a Police and Crime Commissioner (or the Mayors Office for Policing and Crime) are not eligible for appointment. A person who has been so employed must have a minimum 1 year break before being appointed to serve on the Joint Audit Committee.
- 3.11.1.2 Political activity in itself is no bar to appointment. Candidates will be asked to declare any significant political activity (which includes holding office, public speaking, making a recordable donation or candidature for election) which they have undertaken in the last five years. This information will only be provided to the recruitment panel for those applicants selected for interview. Details of the successful candidates declared political activity will be published in the registers of interests on the Police and Crime Commissioner’s website.
- 3.11.1.3 Before an appointment to the Committee is confirmed candidates will need to be successfully vetted to non police personnel basic level. (Candidates should note that all arrests, convictions and cautions must be declared on the vetting form whether or not they are “spent” under the terms of the Rehabilitation of Offenders Act 1974).
- 3.11.1.4 A person who is an undischarged bankrupt is not eligible for appointment to the Joint Audit Committee.
- 3.11.1.5 A person who is on the Police and Crime Panel or is a councillor or an employee of a council which is represented on the Panel is not eligible for appointment to the Joint Audit Committee.
- 3.11.1.6 All appointees must sign a declaration that they agree to uphold the Committee on Standards in Public Life’s seven principles of Public Life.
- 3.11.1.7 All appointees must agree to their name, photo and declarations of interests being made publically available – including on the Force and Office of the Police and Crime Commissioner websites.

- 3.11.1.8 To assist with individual effectiveness, all appointees must agree to be the subject of an appraisal process with the Chair of the Committee.

3.12 **Person Specification**

- 3.12.1 Role purpose: to provide assurance, advice and comment upon governance issues.
- 3.12.2 In order to fulfil its objectives the Joint Audit Committee should ensure that the Joint Audit Committee has members who possess one or more of the following skills:
- 3.12.2.1 Financial awareness.
- 3.12.2.2 Awareness of current accounting issues.
- 3.12.2.3 Understanding of relevant statutory duties and legislative requirements.
- 3.12.2.4 Understanding of the principles of risk management.
- 3.12.2.5 Knowledge of modern principles relating to audit, scrutiny and assurance.
- 3.12.2.6 At least 1 person to have a professional qualification from one of the professional accounting bodies (Financial Reporting Council).
- 3.12.2.7 Knowledge and experience of the principles of Corporate Social Responsibility which includes:
- (a) Financial and Economic Stewardship
 - (b) Value For Money,
 - (c) People and Communities (including Diversity, Equality and Human Rights)
 - (d) Environmental Sustainability
 - (e) Health & safety.
- 3.12.3 Individuals should have and be able to demonstrate:
- 3.12.3.1 Integrity

Part 6 – Terms of Reference for Committees

- 3.12.3.2 A balanced and proportionate approach in preparing and giving advice
 - 3.12.3.3 Independent thought
 - 3.12.3.4 A constructive but challenging approach
 - 3.12.3.5 Ability to be analytical
 - 3.12.3.6 Ability to scrutinise
 - 3.12.3.7 Self confidence
 - 3.12.3.8 Respect for others.
- 3.12.4 Individuals should have or acquire as soon as possible after appointment:
- 3.12.4.1 Understanding of the objectives and current significant issues for the police service at both a national and local level.
 - 3.12.4.2 Understanding of the objectives, responsibilities and current significant issues for the Office of the Police and Crime Commissioner.
 - 3.12.4.3 Understanding of the Devon and Cornwall Constabulary structure.
 - 3.12.4.4 Understanding of the various inspection regimes which impact upon the work of the Police Service and the Office of the Police and Crime Commissioner.

3.13 **Tenure**

- 3.13.1 The 3 members will be recruited initially to serve for a 5 year period and the 2 additional members for a 3 year period. Thereafter all positions to be for a 5 year period.
- 3.13.2 Any Committee member missing more than 3 consecutive meetings will automatically cease to be a member of the Audit Committee.
- 3.13.3 No individual will serve on the Audit Committee for more than 10 years in total.

3.14 **Recruitment Practice**

Part 6 – Terms of Reference for Committees

- 3.14.1 Recruitment practice will be based upon the Commissioner for Public Appointments Code of Practice for Ministerial Appointments to Public Bodies (April 2012).
- 3.14.2 Equality & diversity monitoring will be given full due regard at every stage of the recruitment process:
- 3.14.3 The overriding principle is selection on merit. Those appointed will be the candidates whose skills, experience and qualities have been judged to best meet the needs of the Joint Audit Committee.
- 3.14.4 The selection process will be objective, impartial and applied consistently to all candidates. Each candidate will be assessed against the same published criteria.
- 3.14.5 Information about the role of Joint Audit Committee members and the selection process will be publically available.
- 3.14.6 The recruitment panel will comprise 3 people - a representative from the Force, a representative from the Office of the Police and Crime Commissioner and a person who is independent of the other two bodies but is agreed by their representatives on the recruitment panel.
- 3.14.7 Advertisements will be published in a way that is designed to attract a strong and diverse field of suitable candidates. The specific places where advertisements will be published will be agreed by the Force and Office of the Police and Crime Commissioner recruitment panel representatives.
- 3.14.8 Application will be by application form and interview.
- 3.14.9 A panel report, signed by the chair of the recruitment panel, will be produced and published at the conclusion of every appointment process. The report should describe the stages and outcomes of the recruitment process including demographic information.

4. **Appointments and Remuneration Committee**

4.1 **Purpose**

- 4.1.1 The Appointments and Remuneration Committee shall consider and advise the Police and Crime Commissioner (PCC) and the Chief Constable (CC) on remuneration policies and practices for both the Office of the Police and Crime Commissioner (OPCC) and with regard to senior posts within the Force. The committee will sit on behalf of the Police and Crime Commissioner or Force dependent upon the posts

Part 6 – Terms of Reference for Committees

being discussed. The Appointments and Remuneration Committee is available to the Police and Crime Commissioner and to the Chief Constable for the purpose of seeking advice to inform their decisions. The Police and Crime Commissioner and the Chief Constable may each ask the Appointments and Remuneration Committee to make recommendations on remuneration matters and the Police and Crime Commissioner and the Chief Constable will each take account of any recommendations of the Appointments and Remuneration Committee when they take decisions on remuneration matters.

- 4.1.2 The Committee will, on behalf of the Police and Crime Commissioner and Chief Constable, determine appropriate remuneration and schemes of allowances for new appointments for the following defined posts:
- 4.1.2.1 The Police and Crime Commissioner (any elements not prescribed by central bodies or The Home Office). *
 - 4.1.2.2 The Deputy Police and Crime Commissioner (DPCC)*
 - 4.1.2.3 Any advisors appointed by the Police and Crime Commissioner*
 - 4.1.2.4 The Chief Executive*
 - 4.1.2.5 The Treasurer*
 - 4.1.2.6 The Chief Constable*
 - 4.1.2.7 The Deputy Chief Constable
 - 4.1.2.8 All other members of the Force COG Team
 - 4.1.2.9 Any other specialist advisers appointed by the Force at COG equivalent level.
 - 4.1.2.10 * = Those roles that will be subject of consideration by the Appointments and Remuneration Committee on behalf of the Police and Crime Commissioner.
- 4.1.3 The Committee does not seek to encroach on any recognition arrangements for collective bargaining within the Office of the Police and Crime Commissioner or Force.
- 4.1.4 All other roles will be considered on behalf of the Force. The Police and Crime Commissioner or Chief Constable retain the right to refer any post they determine as appropriate to this committee.

4.2 **Responsibilities for Staffing matters**

- 4.2.1 Subject to the need to seek the approval of the Secretary of State on any matters, the Police and Crime Commissioner has ultimate responsibility for staffing matters relating to staff employed by the Police and Crime Commissioner.
- 4.2.2 The Chief Constable has responsibility for all police officer staffing matters and staffing matters relating to staff who are not police officers but who are employed by the Chief Constable.
- 4.2.3 The Committee will have responsibility for advising the Police and Crime Commissioner and the Chief Constable as to the determination of the remuneration and other conditions of service for each of the defined posts or groups detailed in the list above at 4.1.2.
- 4.2.4 The Police and Crime Commissioner and Chief Constable will normally accept and implement the advice of the Committee. If the Police and Crime Commissioner or the Chief Constable decide not to accept and implement advice of the Appointments and Remuneration Committee the Police and Crime Commissioner or the Chief Constable as applicable shall provide to the Appointments and Remuneration Committee a written report setting out the decision not to accept and implement advice of the Appointments and Remuneration Committee and the reason for this.
- 4.2.5 In carrying out its responsibilities the Committee shall pursue the primary objective that the Police and Crime Commissioner and Chief Constable should be able to recruit, retain and motivate suitably able and qualified people to exercise their respective personal and corporate responsibilities.
- 4.2.6 The Committee shall also have regard to:
 - 4.2.6.1 specific and general legal requirements;
 - 4.2.6.2 relevant guidance from HM Treasury and the Home Office;
 - 4.2.6.3 relevant labour markets and their effect on recruitment and retention; and
 - 4.2.6.4 the financial resources available to the Police and Crime Commissioner and Chief Constable.
- 4.2.7 The Committee shall:

Part 6 – Terms of Reference for Committees

- 4.2.7.1 Advise the Police and Crime Commissioner and Chief Constable on the determination of the remuneration for newly appointed posts together with provisions for any other benefits including pensions, cars/car allowances, expenses and other contractual terms and service agreements, subject to necessary consents or approvals of the Secretary of State.
- 4.2.7.2 Advise the Police and Crime Commissioner and Chief Constable on determination of terms of service for the defined posts (normally on an annual basis).
- 4.2.7.3 This will include any performance related elements together with the provisions for any other benefits including pensions, cars/car allowances, expenses and other contractual terms and service agreements, subject to necessary consents or approvals of the Secretary of State.
- 4.2.7.4 Advise upon and review the strategic approach and broad policy relating to pay for the posts identified above ensuring legal obligations and matters of equality and fairness are taken into account.
- 4.2.7.5 Retain an overview of remuneration issues across other Police and Crime Commissioner offices and forces to assist in the determination of pay and terms.
- 4.2.7.6 Endorse taking advice where necessary, policies relating to termination payments and compensation commitments, and approve, subject to any necessary external approval, any such payments or commitments relating to any designated post.
- 4.2.7.7 Ensure that a report is prepared each year for inclusion in the Commissioner's Annual Report.
- 4.2.7.8 Ensure that the remuneration is published in the annual Statement of Accounts report.
- 4.2.7.9 Report the activity of the Committee to the Police and Crime Commissioner and Chief Constable following each Committee meeting.
- 4.2.7.10 Where appropriate having taken the necessary advice, consider employment policies and their revision from time

to time. This shall not circumvent normal consultation arrangements with recognised trade unions. Matters upon which the Committee may deliberate include, but are not limited to, human resources and issues of equality and fairness in relation to pay and reward.

- 4.2.7.11 Receive and comment on a report from the Joint Management Board twice a year on the operational management of the office of the Police and Crime Commissioner and the Constabulary highlighting developments and changes in trends on significant indicators affecting the human resources of the Police and Crime Commissioner and the Constabulary.
- 4.2.7.12 Receive and comment a report from the Joint Management Board once a year on the management of health and safety issues within the office of the Police and Crime Commissioner and the Constabulary.
- 4.2.7.13 Receive and comment on any other reports from the Joint Management Board that the Appointments and Remuneration Committee may request from time to time in support of its role.
- 4.2.7.14 Receive and comment on a report from the Chief Executive of the Police and Crime Commissioner once a year on compliance with the Police and Crime Commissioner’s human resources policies.
- 4.2.7.15 Receive and comment on a report from the Chief Constable’s Director of Human Resources on compliance with the Chief Constable’s human resources policies.
- 4.2.7.16 In meeting its responsibilities the Appointments and Remuneration Committee will approach its work in a way which reflects and champions the Nolan Principles of good governance.

4.3 **Composition**

- 4.3.1 The Committee shall be appointed by the Police and Crime Commissioner and Chief Constable and shall comprise a Chairman and at least two other members who are independently recruited and should be free from any business or other relationships which could interfere with the exercise of their independent judgement. Members

of the Joint Audit Committee (JAC) should not be appointed to the Appointments and Remuneration Committee.

4.3.2 The Police and Crime Commissioner will determine the period for which each member of the Committee shall hold office however this is expected to be for a 4 year period.

4.3.3 Care shall be taken to minimise the risk of any conflict of interest that might be seen to give rise to an unacceptable influence. Any potential conflict of interest should be raised at the start of each meeting of the Committee.

4.4 **Budget**

4.4.1 In connection with its duties the Committee is authorised to select, set the terms of reference and appoint remuneration consultants and expert advisors, at the Police and Crime Commissioner's and Chief Constable's expense following consultation with the Treasurer and The Force Director of Finance and Resources.

4.5 **Quorum**

4.5.1 The committee will be quorate with the chair and two other members present.

4.6 **Secretariat**

4.6.1 The Office of the Police and Crime Commissioner will provide secretariat support to the Committee.

4.7 **Frequency of meetings**

4.7.1 The Committee shall meet at least twice a year and at such other times as the Chairman of the Committee shall require.

4.8 **Sub-committees and panels**

4.8.1 The Appointments and Remuneration Committee may establish sub-committees and panels to discharge its functions and in particular shall establish committees or other appropriate processes which are consistent with relevant employment law guidance and principles of natural justice, to hear disciplinary or grievance matters .

4.9 **Evaluation**

- 4.9.1 The Committee’s effectiveness and terms of reference will be reviewed at least annually as part of the Financial Management Code of Practice, including a review of membership and relevant skills. Changes to the terms of reference must be agreed by the Police and Crime Commissioner and Chief Constable
- 4.9.2 The Committee will review its handling of any significant project it manages within three months of the end of the project and will report back to the JAC on any lessons learnt.

5. **PCC Commissioning Scrutiny Board**

5.1 **Purpose**

- 5.1.1 The purpose of The PCC Commissioning Scrutiny Board is to advise the Police and Crime Commissioner (PCC) that the resources available to the Police and Crime Commissioner for commissioning are achieving best outcomes as measured against the Police and Crime Plan aims. It will govern the use of those resources to ensure value for money is achieved where they are deployed and the reporting mechanisms that will be used to measure overall success.

5.2 **Responsibilities**

- 5.2.1 The PCC Commissioning Scrutiny Board will be the executive body of the Office of the Police and Crime Commissioner and is accountable to the Police and Crime Commissioner in relation to all decisions relating to commissioning and partnership activity. It will:
- 5.2.2 Develop and agree annually the Commissioning Strategy of the Police and Crime Commissioner to ensure that it delivers the requirements of the Police and Crime Plan and the strategic requirements of Central Government agencies where funding is given for specific purposes.
- 5.2.3 Set out for consultation the commissioning intentions of the Police and Crime Commissioner for the following year and two successive years.
- 5.2.4 Agree all plans that deliver the commissioning strategy and ensure that they are in line with the funding available and deliver value for money.
- 5.2.5 Develop any commissioning policies as required.
- 5.2.6 Commission any research required to inform policy decisions.

Part 6 – Terms of Reference for Committees

- 5.2.7 Ensure that there is a system of performance measurement and reporting in place and that information is shared with the Office of the Police and Crime Commissioner Performance and Accountability Board.
- 5.2.8 Monitor progress against the commissioning strategy and commissioning plan during the financial year to ensure achievement of objectives within timescales.
- 5.2.9 Take investment decisions for 2014/15 and beyond.
- 5.2.10 Provide governance of the Victim Commissioning Programme and Small Grant scheme.
- 5.2.11 Produce an annual workplan of activity.
- 5.2.12 Maintain a register of key risks to inform decision making.
- 5.2.13 Ensure co-ordination with the development of strategic direction contained within the Police and Crime Plan.
- 5.2.14 Receive and consider any internal audit or relevant inspection reports.
- 5.2.15 Consider new and innovative ways of funding and receive appraisals on these.
- 5.2.16 Ensure that the Equality and Diversity impacts of all decisions are considered.

5.3 **Composition**

- 5.3.1 The Board shall be appointed by the Police and Crime Commissioner and shall comprise of two independently recruited members, representatives of the Office of the Police and Crime Commissioner and Force, and representatives of the community and voluntary sector.
- 5.3.2 It is important that the Board provides an independent forum to advise the Commissioner. Board members will therefore need to demonstrate that they do not represent any organisation with which the Police and Crime Commissioner may wish to partner or commission.
- 5.3.3 Members of the Joint Audit Committee should not be appointed to the Police and Crime Commissioner Commissioning Board.
- 5.3.4 The Police and Crime Commissioner will determine the period for which each member will hold office however this is expected to be for a four year period.

5.3.5 The Board will comprise of:

5.3.5.1 Police and Crime Commissioner (Chair)

5.3.5.2 Chief Executive of the Office of the Police and Crime Commissioner

5.3.5.3 Treasurer to the Police and Crime Commissioner (as required)

5.3.5.4 Senior Police representative (Chief Officer Group member)

5.3.5.5 2 independently recruited members

5.3.5.6 Office of the Police and Crime Commissioner Commissioning Manager

5.3.5.7 Representatives of the community/voluntary sector in Cornwall and Devon

5.3.5.8 One student representative.

5.4 **Quorum**

5.4.1 The Board will be quorate with the Chair and two of the independent members present.

5.5 **Meeting Frequency**

5.5.1 It is expected that the Board will meet six to eight times per year.

5.6 **Evaluation**

5.6.1 The Board's effectiveness and terms of reference will be reviewed at least annually, including a review of membership and relevant skills. Changes to these terms of reference must be agreed by the Police and Crime Commissioner.

6. **Force Programme Board**

6.1 **Primary Purposes**

6.1.1 To drive the Change Programme forward and deliver the outcomes and benefits defined within its agreed scope.

6.2 **Responsibilities**

Part 6 – Terms of Reference for Committees

- 6.2.1 To have corporate accountability and responsibility for making decisions regarding the Force Change Programme.
- 6.2.2 To authorise the resources and specific commitment required for the successful delivery of the Change Programme.
- 6.2.3 To define and manage the thresholds for the management of scope, risk, issues and benefits for the programme and its constituent projects.
- 6.2.4 To ensure the Change Programme delivers within its agreed boundaries (cost, time, quality, expected/actual benefits)
- 6.2.5 To resolve both strategic and directional issues between projects, which need the input and agreement of senior stakeholders
- 6.2.6 To provide assurance for stability and effectiveness throughout the programme delivery cycle.
- 6.2.7 To monitor the programme's overall performance through the provision of the highlight reports and plans in order to apply assurance, intervention, direction and control as required.

6.3 **Board Administration and Membership**

- 6.3.1 The Programme Board will be chaired by the Deputy Chief Constable as the SRO for the Programme.
- 6.3.2 Members will commit to support the SRO within the following areas:
 - 6.3.2.1 To be individually answerable to the SRO for their areas of responsibility and delivery.
 - 6.3.2.2 To understand and manage the impact of change.
 - 6.3.2.3 To monitor and define benefits achievement.
 - 6.3.2.4 To resolve or mitigate risks and issues relevant to their business area and across business areas.
 - 6.3.2.5 To understand and resolve dependencies.
 - 6.3.2.6 To ensure continued viability and integrity of the programme.
 - 6.3.2.7 To represent Force strategy.

Part 6 – Terms of Reference for Committees

- 6.3.2.8 To support the application of programme and project standards.
- 6.3.3 Membership will comprise of:
 - 6.3.3.1 Deputy Chief Constable (SRO).
 - 6.3.3.2 All Project Executives.
 - 6.3.3.3 Force Change Manager.
 - 6.3.3.4 Programme Delivery Manager.
 - 6.3.3.5 Director of Legal Services.
 - 6.3.3.6 Head of Finance and Business Support Services.
 - 6.3.3.7 Head of ICT Service Management.
 - 6.3.3.8 Head of People Management and Learning.
 - 6.3.3.9 Chief Executive of the Police and Crime Commissioner.
 - 6.3.3.10 Treasurer of the Police and Crime Commissioner.
- 6.3.4 Members will attend all meetings and, if unable, appoint designated deputies to attend in their absence. All members are decision makers at this meeting, including designated deputies when in attendance. The final decision rests with the SRO.
- 6.3.5 The Director of Legal Services will attend meetings in a dual capacity, the primary responsibility is that of a full decision making member, however, it will also be necessary for the Director of Legal Service to attend meetings as an advisor. When advising on any particular issue the Director of Legal Services should not participate in decision-making. When, however, the Director of Legal Services is not undertaking a legal advisory role participation in decision-making will be expected.
- 6.3.6 The Office of the Police and Crime Commissioner have standing invitations to attend the meetings as observers.
- 6.3.7 The Programme Board meeting will be held on a monthly basis administered by the Strategic Meetings Hub in accordance with the terms and conditions set out in the Force Strategic Meeting Administration Protocols.
- 6.3.8 The formal standing agenda items include:

6.3.8.1 Highlight report: Risks/issues: Finance: Plan: Business Change & Benefits Realisation: Decision Papers: Overview of ICT Related Business as Usual Projects.

6.3.9 Closing date for papers for the Programme Board will be at 3pm on the Wednesday before the meeting. The Chair to decide if too many issues for agenda/meeting.

7. Chief Officers' Group of the Chief Constable

7.1 Primary Purpose

7.1.1 To provide organisational leadership, set strategic direction and monitor co-ordination in order to achieve the Force's mission and vision in accordance with the Force's values.

7.2 Methodology

7.2.1 The Chief Officers' Group is the senior executive decision making forum for Devon and Cornwall Police.

7.2.2 Corporate responsibility for:

7.2.2.1 Developing the vision and strategic direction for progress of the Force's strategic aims and objectives for the medium and long term;

7.2.2.2 Considering and approving the prioritisation of risk contained within the Force Risk Register and ensuring implementation of actions to mitigate risk;

7.2.2.3 Maintaining a strategic overview of all business areas within the Force;

7.2.2.4 Allocation of resources, financial accountability, Force Plans and overarching strategies and policies.

7.2.2.5 Force standards and values

7.2.2.6 Ensuring appropriate compliance with the Equality Standard, Equality Act 2010, the Public Sector Equality Duty and Equality Objectives **(Quarterly EDHR Meeting)**.

7.2.2.7 Monitoring activity around Hate Crime and Stop and Search **(Quarterly EDHR Meeting)**.

- 7.2.2.8 Ensuring appropriate compliance with health and safety legislation.
- 7.2.2.9 Referral of issues to other bodies will be completed as necessary.
- 7.2.3 To ensure all areas (operational and support) within the remit of Chief Officers are co-ordinated to ensure their effectiveness, delivery and that the best interests of the Force are being served by holding each other to account.
- 7.2.4 Monitor high level performance data and improvement plans relating to Equality and Diversity, providing accountability and transparency and identifying issues to be addressed (**Quarterly EDHR Meeting**).

7.3 Responsibilities

- 7.3.1 The Chief Officers' Group will be accountable for commissioning and approving:
 - 7.3.1.1 the Force Mission, Vision and values
 - 7.3.1.2 the Force development strategy
 - 7.3.1.3 the Force Annual Plan and Strategic Plan
 - 7.3.1.4 Force Change Programme and associated business benefits.
- 7.3.2 The Chief Officers' Group will be accountable for commissioning and approving and monitoring the highest standards of financial management and efficiency in line with the Financial Management Strategy by monitoring and managing at strategic level the
 - 7.3.2.1 Revenue and capital expenditure;
 - 7.3.2.2 Force budget;
 - 7.3.2.3 External funding provision including the Police Grant;
 - 7.3.2.4 Business efficiency and change management arrangements;
 - 7.3.2.5 Medium and long term resource and financial planning.
- 7.3.3 The Chief Officers' Group is responsible for commissioning and approving the Force strategic planning cycle:

Part 6 – Terms of Reference for Committees

- 7.3.3.1 Recommending Force performance targets – the Group will facilitate delivery of Force, functional, geographic, departmental targets and performance indicators;
- 7.3.3.2 Agreeing and resourcing the business change programme;
- 7.3.3.3 Proposing the Force annual budget to the Police and Crime Commissioner for Devon and Cornwall.
- 7.3.3.4 The Chief Officers' Group is responsible for overseeing and promoting effective health and safety and people management in line with the corporate People Strategy.
- 7.3.4 The Chief Officers' Group is responsible for overseeing the implementation progress and delivery of the Force Equality Objectives and compliance with the Force Equality, Diversity and Human Rights Strategy (**Quarterly EDHR Meeting**).
- 7.3.5 The Chief Officers' Group will be accountable for
 - 7.3.5.1 The production, analysis and, if necessary, actioning of the Strategic Assessment with due cognisance to the content of the UK Threat Assessment, policing plans, environmental scans and research of the Force's intelligence systems.
 - 7.3.5.2 Prepare, review and update the Force Control Strategy and to allocate resources in line with the commitment based upon the Force Strategic Assessment.
 - 7.3.5.3 To oversee and consider sensitive issues which may impact on the reputation of the Force and/or the Police and Crime Commissioner for Devon and Cornwall and where necessary ensuring the appropriate action is taken to notify the Commissioner of such matters without delay.
 - 7.3.5.4 The Chief Officers' Group will review the Joint Negotiating Consultative Committee and Joint Consultative Committee minutes and consider recommendations submitted relating to organisational policy, culture and staffing issues.
- 7.3.6 Each Chief Officer will take responsibility for an equality protected characteristic as outlined below. Attendance and report updates to take place at the Chief Officer Group and Strategic Independent advisory Group on a quarterly basis.
 - 7.3.6.1 Chief Constable: Force Champion

Part 6 – Terms of Reference for Committees

- 7.3.6.2 Deputy Chief Constable: Lead area – Age
- 7.3.6.3 Assistant Chief Constable (Crime and Justice): Lead area - Race
- 7.3.6.4 Assistant Chief Constable (Operational Response): Lead area – Religion or Beliefs
- 7.3.6.5 Assistant Chief Constable (Local Policing & Partnerships): Lead areas – Sexual Orientation and Gender re-assignment
- 7.3.6.6 Director of Finance & Resources: Lead area – Disability
- 7.3.6.7 Director of People & Leadership: Lead area – Gender/Pregnancy and Maternity
- 7.3.7 Each Chief Officer would also be cognisant within their respective leads of the protected characteristic around marriage and civil partnership and provide updates accordingly.
- 7.3.8 For the reasons set out at 4.6 below the Director of Legal Services will be excluded from this process.
- 7.3.9 Each Chief Officer will pro-actively engage with the respective staff support groups and seek to expand these as appropriate.

7.4 **Group Administration and Membership**

- 7.4.1 The Chief Officers' Group will be chaired by the Chief Constable, in their absence by the Deputy Chief Constable.
- 7.4.2 Membership will comprise of:
 - 7.4.2.1 Chief Constable
 - 7.4.2.2 Deputy Chief Constable
 - 7.4.2.3 Director of People and Leadership
 - 7.4.2.4 Assistant Chief Constable (Crime and Justice)
 - 7.4.2.5 Director of Finance and Resources
 - 7.4.2.6 Assistant Chief Constable (Operational Support)
 - 7.4.2.7 Director of Legal Services

Part 6 – Terms of Reference for Committees

- 7.4.2.8 Assistant Chief Constable (Local Policing and Partnerships)
- 7.4.2.9 Head of Corporate Communications (Non voting member)
- 7.4.3 Quarterly **EDHR** meetings will include additional members as follows:
 - 7.4.3.1 Head of Equality & Diversity
 - 7.4.3.2 Leadership & Organisational Development
 - 7.4.3.3 Head of Professional Standards
 - 7.4.3.4 Force Change Manager
 - 7.4.3.5 Force Diversity & Equal Opportunities Officer
 - 7.4.3.6 Performance & Analysis Representative
 - 7.4.3.7 Staffside (UNISON, GMB, Unite the Union) Rep
 - 7.4.3.8 Ethnic Minority Police Association Representative
 - 7.4.3.9 Gay Police Association Representative
 - 7.4.3.10 Christian Police Association Representative
 - 7.4.3.11 Mental Wellbeing Network Representative
 - 7.4.3.12 Women’s Network Representative
 - 7.4.3.13 Buddhist Police Support Network Representative
 - 7.4.3.14 Superintendents’ Association Representative
 - 7.4.3.15 Police Federation Representative
 - 7.4.3.16 Police and Crime Commissioner Representative.
- 7.4.4 Members will attend all meetings and team briefings unless on leave, no deputies are permitted. Should a member be unable to attend then a designated Chief Officer will brief the Group on behalf of the absent member. Only Chief Officers are decision makers at this meeting.
- 7.4.5 For the quarterly EDHR meetings appropriately briefed representatives may attend in the absence of the usual member.
- 7.4.6 The Director of Legal Services will attend meetings in a dual capacity, the primary responsibility is that of a full decision making member, but it will also be necessary for the Director of Legal Services to attend

Part 6 – Terms of Reference for Committees

meetings as an advisor. When advising on any particular issue the Director of Legal Services will not participate in decision-making. When however the Director of Legal Services is not undertaking an advisory role, participation in decision-making will be expected. The Director of Legal Services will not lead on a strand of diversity as this may have an impact on their ability to provide unencumbered legal advice should any employment tribunal claims be issued or other legal issues arise.

- 7.4.7 The Head of Corporate Communications will attend COG team briefings, fortnightly COG, and Sensitive Issues meetings to provide a short resume of communications issues and Police and Crime Commissioner Updates, and to provide advice throughout the meeting. Should the Head of Corporate Communications be unable to attend any of the above meetings, their deputy is to attend.
- 7.4.8 The Chief Officers' Group business meeting will be held on a fortnightly basis administered by the Strategic Meetings Hub in accordance with the terms and conditions set out in the Force Strategic Meeting Administration Protocols.
- 7.4.9 The business meetings will be focused on equality and diversity aspects on a quarterly basis.
- 7.4.10 The Police and Crime Commissioner will have a standing invitation to the quarterly COG business meeting for items on strategic performance and strategic financial reports.
- 7.4.11 The formal standing agenda items include:
 - 7.4.11.1 Director of Legal Services update (monthly)
 - 7.4.11.2 Press/PR (monthly)
 - 7.4.11.3 Force Risk Register (monthly)
 - 7.4.11.4 JE progress update (monthly)
 - 7.4.11.5 JNCC and JCC Minutes (quarterly)
 - 7.4.11.6 Performance (quarterly)
 - 7.4.11.7 Estates (quarterly)
 - 7.4.11.8 Bonus Payments (annual)
 - 7.4.11.9 Chief Officer Equality update (as required)
 - 7.4.11.10 Health and Safety Update (as required)

- 7.4.11.11 Signs and signals of cultural issues (**quarterly EDHR Meeting**)
- 7.4.11.12 High level focus on equality and diversity issues (**quarterly EDHR Meeting**)
- 7.4.11.13 Issues raised by the Strategic IAG (**quarterly EDHR Meeting**)
- 7.4.11.14 Performance update (quarterly EDHR Meeting)
- 7.4.12 There will be instances when certain issues will be designated standing agenda items for a time limited period. Details of these will be held by the Strategic Meetings Hub.

8. Performance and Accountability Board (PAB)

8.1 Purpose

- 8.1.1 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.
- 8.1.2 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:
 - 8.1.2.1 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:
 - (a) The Strategic Policing Requirement
 - (b) Having regard to the Police and Crime Plan
 - (c) Compliance with Codes of practice
 - (d) Engagement with local people
 - (e) 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;

- (f) Enable the PCC to be accountable to the people of Devon, Cornwall and the Isles of Scilly through open and transparent governance;
- (g) Scrutinise the performance of commissioned services and managed contracts to ensure efficiency, effectiveness and that expected outcomes are being achieved within the budget.

8.2 Principles

- 8.2.1 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.
- 8.2.2 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.
- 8.2.3 The Commissioner will conduct scrutiny of performance on a monthly basis.
- 8.2.4 The Commissioner may seek additional information from the Chief Constable for presentation and discussion at PAB.
- 8.2.5 The Commissioner may seek information from any individual or source to inform the scrutiny process.
- 8.2.6 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.
- 8.2.7 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.

8.3 Objectives

- 8.3.1 The objectives of the PAB are for the PCC to:

Part 6 – Terms of Reference for Committees

- 8.3.1.1 Gain assurance on the delivery of the Police and Crime Plan, including the Strategic Policing Requirement, collaboration, change management, engagement with local people, value for money, diversity and equality, the safeguarding of children and promotion of child welfare as set out in the performance framework.
- 8.3.1.2 Identify any areas for improvement following the examination of reports from the Chief Constable. Such reports will be provided on an as and when required basis, and may include quantitative and qualitative data around Force performance. Such reports may be required by the PCC as necessary.
- 8.3.1.3 Ensure effective management of budgets and resources (including ICT, estates, assets and procurement).
- 8.3.1.4 Ensure that customer service requirements, including victims' needs are being met.
- 8.3.1.5 Ensure that all aspects of equality and diversity are being managed effectively.
- 8.3.1.6 Encourage the public's engagement with police accountability.
- 8.3.1.7 Scrutinise the operation of the Constabulary's human resource function and progress against the people strategy (incorporating the annual costed human resources plan).
- 8.3.1.8 Ensure the implementation of the Commissioner's and Constabulary's strategies for communication and consultation.
- 8.3.1.9 Evaluate the Commissioner's role and effective participation in partnership working arrangements.
- 8.3.1.10 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.

8.4 **Roles of the PAB and the JMB**

8.4.1 The PAB provides a formal demonstration of public accountability and scrutiny of policing in Devon and Cornwall. The JMB acts as a coordinating meeting and decision making forum for the PCC and CC, and undertakes a monitoring role of Force efficiency and effectiveness.

8.4.2 The agendas for the JMB will be decided by the PCC . Areas of Force business discussed at JMB may subsequently be taken to PAB for further detailed consideration. Whilst a consensus approach will be sought, the Commissioner’s decision in connection with issues presented to PAB will be final.

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

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

8.5 **Composition**

8.5.1 The PAB is comprised of:

Invitees:

8.5.2 Police and Crime Commissioner.

8.5.3 Deputy PCC (if appointed) Deputy Chief Constable.*

8.5.4 PCC Advisors Assistant Chief Constables.*

8.5.5 OPCC Chief Executive Director of Human Resources.*

8.5.6 OPCC Treasurer Director of Legal Services.*

8.5.7 Chief Constable Director of Finance and Resources.*

8.5.8 Other officers and staff by invitation.

8.5.9 PAB to be supported by officers from the OPCC.

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

8.6 **Frequency of meetings**

8.6.1 The PAB will be held on a monthly basis, with some meetings to be held at different locations around the Force area.

8.7 **Quorum**

8.7.1 PAB will be Quorate if the Police and Crime Commissioner, Chief Constable, OPCC Chief Executive and OPCC Treasurer are in attendance or represented by a nominated deputy.

8.8 **Procedural Rules for Meetings**

8.8.1 Meetings will be conducted in accordance with the relevant section of the Meetings Protocol of the OPCC, which will be available on the PCC website.

8.9 **Publication**

8.9.1 Summary reports, minutes and key decisions will be published on the OPCC web site.

8.10 **Meetings**

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

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

8.10.3 **Chair:** The meeting of the PAB will be chaired by the PCC or a nominated deputy. 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.

8.10.4 **Agenda/Reports/Minutes:**

8.10.4.1 The agenda, reports and minutes of the meetings of the PAB will be published on the OPCC and Force websites.

8.10.4.2 Subject to the provisions within the Police and Social Responsibility Act 2011, the Freedom of Information Act 2000 and the Local Police Body (Specified Information) Orders 2011 and 2012, the PAB reports and documents marked as "Confidential", "Exempt", "Restricted",

8.10.4.3 "Part II" or "not for publication" shall be treated as confidential.

Part 6 – Terms of Reference for Committees

- 8.10.4.4 AOBs may be allowed at the discretion of the Chair.
- 8.10.4.5 The minutes will provide a record of attendance for each meeting.
- 8.10.4.6 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.
- 8.10.4.7 An initial draft agenda for each meeting will be circulated by the meeting administrator, for discussion, at the end of the week following the last meeting.
- 8.10.4.8 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.
- 8.10.4.9 The deadline for reports to be received by the meeting administrator will be 7 working days before the meeting.
- 8.10.5 ***Interest in Contracts:***
 - 8.10.5.1 The Police and Crime Commissioner or a member of the PAB shall withdraw from any meeting if s/he has a disclosable pecuniary 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.
 - 8.10.5.2 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.
 - 8.10.5.3 Where an interest has been declared this will be recorded in the minutes of the meeting.
- 8.10.6 ***Decisions:*** All formal decisions which are taken at a meeting of the PAB, and supporting reports where appropriate, will be published on the website of the PCC