

Governance: (a) Financial Corporate Governance and Audit; and (b) Arrangements for Oversight of Police and Fire Litigation, Complaints and Disciplinary processes

1. On 14 October, Panel was posed a question by a member of the public, raising concerns as to gaps she perceived in the Panel's oversight of police complaints, conduct and discipline processes, and in respect of the governance framework for assuring these. Panel requested this report be brought to assist the Panel to address these concerns and to provide assurance as to the robustness of the governance framework and the nature of the Commissioner's oversight of complaints and disciplinary matters.

Overarching Governance framework

2. As Members will be aware, the governance frameworks for both Services are set out transparently on the Commissioner's website within the Joint Corporate Governance Framework (JCGF) for the Police (<https://www.northyorkshire-pfcc.gov.uk/police-oversight/governance/governance-process/joint-corporate-governance-framework/>) and the Corporate Governance Framework (CGF) for the Fire and Rescue Service (<https://www.northyorkshire-pfcc.gov.uk/fire-oversight/governance/nyfrs-framework/>). Both documents are regularly reviewed and updated as necessary.
3. For the police, the JCGF sets out the relationship and principles for joint governance between the two corporations sole – the Police and Crime Commissioner and the Chief Constable. It sets out the key roles and responsibilities and the scheme of delegation. It also provides for the establishment of a Joint Independent Audit Committee (JIAC) operating within the CIPFA guidance and in accordance with the Financial Management Code of Practice, including the oversight and assurance required in respect of internal and external audit functions. The JIAC's terms of reference, membership and the papers for each meeting are published on the Commissioner's website (<https://www.northyorkshire-pfcc.gov.uk/police-oversight/governance/jiac/>).
4. Similarly, for the Fire service, the CGF sets the governance framework for the single corporation sole of Police and Crime Commissioner (Fire and Rescue Authority). It sets out the principles, key roles and responsibilities, and the scheme of delegation. It provides for the establishment of an Independent Audit Committee (IAC) operating within the CIPFA guidance and in accordance with the Financial Management Code of Practice and for internal and external audit functions. The IAC's

terms of reference, membership and papers of each meeting are published on the Commissioner's website (<https://www.northyorkshire-pfcc.gov.uk/fire-oversight/governance/fire-iac/>).

5. Both frameworks set out a governance framework whereby the leadership across both Services come together with the Commissioner at the Executive Board to facilitate a collegiate approach to decision making, oversee the effective and efficient management of the Services and their policies, procedures and processes, and to agree the development and improvement of services.
6. With regard to the member of the public's concern that Members might have been omitted from a role in the audit regime, Members will no doubt appreciate that far from being excluded, it is (by legislative and regulatory design) not within the remit of the Panel to be part of the audit committees under the single-elected-individual governance model for police and fire. The pattern of audit committees and sub-committees in mainstream local government is not replicated in the same manner, in this governance model. This may have underpinned the understandable misapprehension on the part of the member of the public who has posed the question – but it provides a welcome opportunity to clarify the position for the record.
7. As Members will know, in every police area, the Police (Fire) and Crime Panel scrutinises the work and decisions of the Commissioner and supports the Commissioner in the exercise of their functions. It is the Commissioner's role, amongst other matters, to
 - hold the Chief Constable to account (in respect of matters germane to policing); and
 - delegate functions to and set expectations for the Chief Fire Officer (in respect of matters within the remit of fire and rescue)
8. Both audit committees provide assurance and advice to the Commissioner as local policing body, the Commissioner as Fire and Rescue Authority and to the Chief Constable as the three operative statutory corporations. The Fire Audit Committee plainly also assists the Chief Fire Officer to discharge their functions.
9. As Members will know, the chair and members of the two audit committees are recruited based on merit through open selection processes. Membership of both audit committees is presently being refreshed based on the most recent recruitment competition.
10. It follows that the roles of the Police, Fire and Crime Panel and of the Audit Committees are distinct and separate - but complement each other in the pursuit of good governance and the public interest. With those matters in mind Members may of course see merit in forging a closer informal professional bond and rapport with the Audit Committees. If so, given the changes presently underway, this may be a timely juncture at which to do so.

Governance and oversight of police complaints and disciplinary processes

11. Members will recall previous reports on the complaints system provided in 2019 and most recently in October 2020 providing information about the governance and performance of the police complaints system.
12. By way of review, the Policing and Crime Act 2017 set out changes to the Police Regulations. These came into effect in February 2020. These changes made provision for Commissioners to become more involved in managing, overseeing and resolving complaints depending on which model they

would adopt. In North Yorkshire, model 3 was adopted which sees the Commissioner and their Office having the greatest involvement in the process possible. All Commissioners must take responsibility for the conduct of Complaints reviews (formerly appeals) but in North Yorkshire the OPFCC also has responsibility for the triage and service recovery of complaints that fall outside of Schedule 3 of the Regulations (related to conduct matters) (model 2) and the ongoing contact and updating of complainants during Schedule 3 investigations (model 3).

13. To this end, the OPFCC now has a dedicated Complaints and Recognition Team (CRT) which receives all complaints and expressions of dissatisfaction, triages them based on an assessment of the severity of the allegations, passes the most serious that fall under Schedule 3 to NYP's Professional Standards Department (PSD), and seeks to 'service recover' and resolve all others. A Service Level Agreement exists between the Commissioner and Chief Constable setting out expectations between the two teams. The CRT work very closely with PSD, with the Team Leader and Assistant Chief Executive maintaining a regular working group with the Head of PSD and the PSD DCI, to the extent that, despite the work sitting across the OPFCC and PSD, there is a one team ethos.
14. The CRT continues to successfully resolve between 75% and 80% of all contacts every month. This success has inspired confidence not only in the public, from whom the team regularly receive praise, but also from police officers who recognise the value of the team and now engage fully in helping to resolve issues following a degree of suspicion at the outset.
15. The CRT's role in maintaining contact with complainants during investigations means that updates are more regular and enables them to help explain processes and outcomes in lay terms. PSD have also improved the accessibility and customer focus of letters and contact with complainants. These elements help improve the understanding of complainants as to what is happening and what has been done and, as a result, we have received fewer requests for reviews of complaints than was expected.
16. In North Yorkshire the Commissioner has appointed an Independent Adjudicator (IA) to conduct complaint reviews. Reviews consider the appropriateness and proportionality of the handling and outcome of the complaint and recommendations can be made where it is felt shortcomings have been found. The IA was appointed in September 2020 and has made 10 recommendations to NYP so far. Oversight of the actions and delivery against these recommendations sits with the IA who reports to the Commissioner's Chief Executive.
17. It should be made clear that disciplinary processes are a matter for the Chief Constable as the employer of police officers and staff. However, the Commissioner's Chief Executive and the Deputy Chief Constable, as the delegated Appropriate Authorities on behalf of the Commissioner and Chief Constable respectively, maintain a close relationship and conversation about all matters pertaining to complaints, litigation and discipline. This is conducted through the Appropriate Authorities Liaison Meeting (AALM). This mechanism is an innovation unique to North Yorkshire in its current form (although it is based on a governance convention introduced at Cleveland). The Chief Executive chairs the AALM, the purpose of which is to operate as a forum for the frank examination of the police litigation and standards risk landscape, the professional standards work programme and the known risks and issues arising from it, as well as discharging the need for a structured forum for

- formal notification between the corporate bodies of conduct matters arising within civil litigation for the purposes of Paragraph 10 of Part 2 to Schedule 3 of the Police Reform Act 2002 (conduct matters arising in civil proceedings)
 - notification to the PFCC (& discussion of cases) under Reg 13 PCMR 2020 / Regulation 19 PCR 2020 (investigations exceeding 12 months and exceeding 6 months thereafter)
18. The terms of reference for the AALM include the distillation from AALM, of any matters requiring scrutiny by the PFCC.
 19. The AALM enables the Chief Executive to make the Commissioner fully aware of any exceptional matters or areas of concern, enabling the Commissioner to maintain oversight of conduct and disciplinary matters, particularly where there may be a public interest. Furthermore, the details and outcomes of misconduct hearings are published on NYP's website. Any costs associated with people exiting the organisation are visible internally and externally and are included within the Statement of Accounts.
 20. In January 2021 an internal audit assessment of the complaints function across CRT and PSD, conducted by the appointed internal auditors, provided the Commissioner with assurance that there are robust processes and procedures around complaints and the work of the CRT and PSD.
 21. Recent statistics from the Independent Office of Police Conduct (IOPC) show that the CRT and PSD are performing well, with initial contact times below the national average.
 22. The information in the foregoing section of this paper relating to the Audit Committees, is relevant in this context too. Audit Committees receive reports in respect of complaints and on the civil litigation claims experience, enabling the Committees to exercise oversight and scrutiny in respect of those areas of corporate risk, standards and compliance.

Governance and oversight of Fire and Rescue complaints

23. For North Yorkshire Fire and Rescue Service, the Commissioner, as Fire and Rescue Authority, has full oversight of complaints and conduct matters.
24. Due to the success of the Customer Service Team, since April 2021 all FRS complaints have been handled by the CRT for resolution or escalation as appropriate, working closely with the NYFRS Director of Assurance.
25. The Commissioner's Chief Executive, as delegated Authority, is closely involved in the oversight of conduct and discipline matters through the Strategic Leadership Team, alongside the Chief Fire Officer as Head of Paid Service. Moreover, as delegated Authority, the Chief Executive is responsible for making arrangements for hearing Appeals against dismissal and misconduct hearings. This enables the Chief Executive to intervene to address procedural or substantive unfairness – and for the Commissioner (in the corporate sense) to be aware of any thematic matters or areas of concern.