



## **West Midlands Office for Policing and Crime Vetting Policy**

West Midlands Office for Policing and Crime (WMOPC) is committed to the principles of equality and diversity. No member of the public, member of staff, volunteer or job applicant shall be discriminated against on the grounds of age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; or sexual orientation.

### **Vetting Policy**

1. WMOPC abides by the ten principles of public life as set out in the Annex to this document. WMOPC believes that in conducting its activities it should be as open as possible and should only restrict information, both to members of WMOPC and to the public, when wider public interest or the law demands. WMOPC recognises it has a public interest duty to ensure the security of police and government assets and information which, if disclosed, could further criminal activities. To this end WMOPC has agreed this vetting policy.
2. The aim of this policy is to allow WMOPC to:
  - exercise robust and effective governance of policing;
  - ensure that WMOPC meets its statutory duties, which include:
    - Holding the chief constable to account; and
    - Ensuring the delivery of an effective and efficient police service;
  - secure continuous improvement in the delivery of policing services;
  - maintain trust and community confidence; and
  - ensure the security of police and government assets and prevent operational compromise.
3. This policy applies to
  - all staff engaged by WMOPC who are not under the direction and control of the Chief Constable;
  - persons working with WMOPC who require access to police premises without constant supervision; and
  - persons working with WMOPC to assist it in the meeting of its statutory duties.
4. The following principles will be applied:

- Need to know

The dissemination of sensitive information and assets should be no wider than is necessary for the efficient and effective conduct of WMOPC's business and, by implication, should be limited to those individuals who are appropriately authorised to have access to it.

- Ownership of intelligence

Intelligence remains the 'property' of the originator who may impose conditions on the way in which it is handled, actioned and to whom it is disclosed. Only the originator of a 'protectively marked' asset may authorise a change in protective marking.

- Specificness

The detail and origin of the intelligence will determine the protective marking, the required vetting status of recipients and the extent of disclosure.

- Proportionate

The application of this policy will be proportionate to the nature of the work being undertaken and the level of access required, whether to premises or information.

5. WMOPC will apply the three levels of national security vetting. These are:

Counter terrorism check – for those individuals who are appointed to posts which involve proximity to public figures assessed to be at risk from terrorist attack, given access to information or material assessed to be of value to terrorists or involves unescorted access to certain military, civil, industrial or commercial establishments assessed to be at risk from terrorist attack.

Security check –required for those individuals who require long term, frequent and uncontrolled access to government assets marked SECRET and occasional, supervised access to government assets marked TOP SECRET.

Developed vetting –required for those who require frequent, uncontrolled access to government assets marked TOP SECRET, or require access to TOP SECRET STRAP, ATOMIC or other codeword material.

6. All persons subject to this policy will be vetted to counter terrorism check level. All staff employed by WMOPC who are not under the direction and control of the Chief Constable, will be vetted to counter terrorism check level plus checks against UK criminal and security records and a credit check. Vetting at security check and developed vetting level will be applied to those staff whose governance responsibilities require it. The level of vetting required will be determined by the Chief Executive in consultation with the Chief Constable.
7. In addition to the above, staff employed by WMOPC who are not under the direction and control of the Chief Constable, will be subject to the process of recruitment vetting and

management vetting as determined by the Chief Executive in consultation with the Force  
Corporate Head of Security.

8. All persons subject to vetting requirements will be notified that vetting clearance has been granted. Where vetting clearance has not been granted or limitations are placed on a clearance the person will receive written notification and, where possible, provided with an explanation. A person can ask for a decision to be reviewed within 14 days of receipt of the written notification. The Chief Executive, with appropriate advice, will review the decision and provide a written statement outlining the result of the decision. The decision reached will be final.
9. Documents used during the vetting process will be retained in confidence. Information contained in any questionnaires is confidential and will not be disclosed other than for the purpose of the vetting process. Information will be retained in accordance with the retention and disposal policy.

## Annex

# The Ten General Principles of Public Life

**Selflessness** – members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

**Honesty and integrity** – members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly, and should on all occasions avoid the appearance of such behaviour.

**Objectivity** – members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

**Accountability** – members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

**Openness** – members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

**Personal judgement** – members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

**Respect for others** – members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers and its other employees.

**Duty to uphold the law** – members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

**Stewardship** – members should do whatever they are able to do to ensure that their authorities use their resources prudently, and in accordance with the law.

**Leadership** – members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.



## West Midlands Office for Policing and Crime Working Hours Policy

West Midlands Office for Policing and Crime (WMOPC) is committed to the principles of equality and diversity. No member of the public, member of staff, volunteer or job applicant shall be discriminated against on the grounds of age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; or sexual orientation.

### Introduction

1. The flexible working hours scheme applies to all staff other than those who are Management Grade 1 or above. Participation in the scheme is at the discretion of the Chief Executive. The scheme may be withdrawn by the Chief Executive following provision of three months notice.

#### *Flexible Hours and Core Time*

Flexible hours	0800 - 1000
Core time	1000 - 1200
Flexible hours	1200 - 1400
Core time	1400 - 1600
Flexible hours	1600 - 1830

2. Employees who arrive before 0800 hours or leave after 1830 hours will not be able to credit such times. Employees must work during core times and take a minimum of 30 minutes for lunch. The scheme allows employees to take up to 2 hours for lunch between 1200 and 1400 hours, subject to the needs of WMOPC.
3. Staff may use the flexible working policy only when arrangements are in place to ensure that the WMOPC office is properly resourced at all times with adequate staff available to ensure continuity of business during the hours of 9am to 5pm Monday to Friday.
4. Where a member of staff has attended a meeting the previous evening or weekend their core time the following morning shall start at 11am. When attending an evening meeting the actual time of leaving the venue shall be recorded as the end of the working day. However, the difference by which the journey time home exceeds the normal journey from Lloyd House may be added.

### Standard Day

5. The standard working hours for one day are 7 hours 18 minutes for a full day and 3 hours 39 minutes for a half-day. This will vary for part time and job share workers.

### Standard Week

6. The normal working hours is based on 37 hours however until staff are notified otherwise they are required to work 36.5 hours per week.
7. For the purposes of crediting annual leave, sickness and other authorised absences it is the total hours that would normally be worked by the employee under their terms and contract.

#### **Accounting Period - 4 Weeks**

8. The maximum number of hours that may be carried forward from one accounting period to the next are:  
Credit 10 hours Debit 5 hours
9. All debits must be cleared within the next accounting period. Where debit balances are carried for more than three accounting periods the employee will be excluded from the scheme for a period of six months.
10. Credit balances may be cleared by taking a day's flex leave (or two half days). This must be agreed in advance with the line manager. No more than two days flex leave are to be taken in any accounting period.
11. Credit balances in excess of 10 hours will be lost at the end of each accounting period. In exceptional circumstances excess credit balances may be retained but only with the prior consent of the line manager.
12. There is no facility to credit hours worked during weekends/evenings without prior consent from the line manager. Any hours worked outside the flexitime parameters should be credited as time off in lieu and not as flexitime credit.

#### **Absences**

13. An authorised absence must be recorded as 7 hours 18 minutes for a full day and 3 hours 39 minutes for a half-day.
14. If an employee goes home due to sickness after completing only a portion of the day they will be credited with 7 hours 18 minutes for that day, regardless of time of arrival or the time they reported sick. Where the employee's normal hours of work are disrupted, i.e. public transport strikes, severe inclement weather, then time lost will be treated in one of the three ways – annual leave, unpaid leave, time owing (debited against flex-hours).
15. The employee should arrange personal appointments with doctors, dentist etc, during periods of flexible leave. If this is not possible the employee should arrange an early morning/late afternoon appointment and seek permission from their line manager to attend during core time.
16. If an appointment extends into core time, the employee will not be credited with those hours. For example, if a dental appointment means that the employee arrives at work at 1030 hours, or they have to leave at 1530 hours, they may only credit the hours worked rather than the core times.
17. Necessary paid time off shall be granted for the purpose of cancer screening.

#### **Inclement weather provisions/transport difficulties**

18. Staff may on occasions have difficulties in attending their places of work because of inclement weather or because of other transport difficulties (eg bus, railway strikes, work to rules etc).

## **Reasonable Effort**

19. In the event of inclement weather or transport difficulties WMOPC expects all employees to make reasonable efforts to attend work.
20. Where an employee indicates that they may not be able to attend work the line manager should be satisfied that there is a genuine difficulty. In deciding whether this is the case a number of factors will need to be considered including an employee's home location and the availability of alternative transport.
  - Employee's home location
21. An employee's home location will have a bearing on whether it is practicable for an employee to attend or to remain at work. For example, it may be very difficult for an employee who lives a long way from the workplace, perhaps in a rural area, to come into work. On the other hand an employee who lives close to their workplace may experience no problems.
22. Other factors may have to be taken into account including local roads, rail conditions etc and the effect that these will have on an employee's ability to travel.
23. Employees should not be put in a position where they are putting their safety at risk by travelling to and from their workplace. This may apply in cases of extreme weather conditions, for example heavy snow, flooding etc. where travel conditions may be particularly hazardous.
  - **Availability of Alternative Transport**
24. Where their normal method of travel is not available, alternative transport should be considered by the employee. For example, it may be possible for colleagues or friends to provide lifts to and from work for each other or for a bus to be used instead of the train and vice versa.
25. Where a member of staff is unable to attend work they must take a day's, annual leave/time owing/Flexi-Leave.

## **Procedure**

26. In the event of employee's having difficulty in reaching their place of work the following procedure should be adopted
  - Employee to telephone their line manager as soon as possible to inform them of the problem.
  - Depending on the nature of this, consideration should be given to whether the employee can travel into work later in the day, when conditions may have improved.

## **Attendance Records (manual recording systems)**

27. Employees will also have their own spreadsheet and attendance record to keep a record of the hours worked.  
At the end of the accounting period the spreadsheet and attendance record should be sent to the Chief Executive's Personal Assistant.

The time sheets must be kept by the employee for at least one-year, plus the current year and will be subject to random management audit.

All absences from work, including flexi-leave, should be recorded on the employees spreadsheet and attendance record.

#### **Abuse of the Scheme**

28. Employees will be excluded from the scheme if they sign in and out for other staff, or ask someone to do this for them, for inaccurate recording of time worked and late submission of records. Depending on the circumstances, disciplinary action may be taken.

#### **Transfer/Resignation**

29. Should an employee resign all accumulations of debits/credits must be cleared before the employee's final day of employment.

#### **Variation to the Scheme**

30. For business reasons line managers can request a variation to the scheme. Such requests will be forwarded to and agreed by the Chief Executive prior to implementation.



**West Midlands Police and Crime Commissioner / Deputy Police and Crime  
Commissioner**

**CODE OF CONDUCT**

**1. Introduction**

- (a) The West Midlands Police and Crime Commissioner (“the PCC”) is the elected local policing body under the Police Reform and Social Responsibility Act 2011. References in this code to the PCC are references to the PCC as the elected local policing body. References to the Chief Executive are references to the Chief Executive of the West Midlands Office for Policing and Crime.
- (b) This Code which has been adopted by the PCC applies to the office of the PCC, the Deputy PCC and Members of the Strategic Policing and Crime Board (referred to collectively as office holders) when acting or representing to act in that role in exercising the official business or statutory functions of the PCC.
- (c) This code constitutes the policy of the PCC in relation to the conduct of relevant office holders, including procedures for the handling of complaints and conduct matters as referred to in paragraph 6(a) of Part I of the Schedule to the Elected Local Policing Bodies (Specified Information) Order 2011.
- (d) This code does not apply when office holders are acting in a purely private capacity.
- (e) The Policing Protocol<sup>1</sup> provides that all parties will abide by the seven principles which were set out in Standards in Public Life: First Report of the Committee on Standards in Public Life known as — the Nolan Principles which were updated by the Committee in their Fourteenth Report in January 2013<sup>2</sup>:

**THE SEVEN PRINCIPLES OF PUBLIC LIFE**

**Preamble**

The principles of public life 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, 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.

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<sup>1</sup> The Policing Protocol Order 2011 No. 2744

<sup>2</sup> Cm 8519

The principles also have application to all those in other sectors delivering public services.

### **SELFLESSNESS**

Holders of public office should act solely in terms of the public interest.

### **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.

### **OBJECTIVITY**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

### **ACCOUNTABILITY**

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to the scrutiny necessary to ensure this.

### **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.

### **HONESTY**

Holders of public office should be truthful.

### **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.

## **2. General Obligations**

I agree to act solely in the public interest and in exercising the functions of my office, not act to gain financial or other benefits for myself, my family, my friends, or any person in relation to any business of mine or use or attempt to use my office to confer or secure for any person, including myself, an advantage or a disadvantage.

I agree:-

- (a) to observe the protocol governing relationships between the PCC and the PCC's staff.
- (b) to treat others with dignity and respect.
- (c) not to use bullying behaviour or harass any person.
- (d) not to conduct myself in a manner which:-
  - (i) is contrary to the policing protocol.  
and/or which
  - (ii) could reasonably be regarded as bringing my office into disrepute.

### **3. Use of resources**

I agree:-

- (a) not to use the official resources of the PCC or the Office of the PCC for my personal benefit or for the benefit of myself, my friends, or any other person in relation to any business interest of mine.
- (b) not to use the official resources of the PCC or the Office of the PCC improperly for political purposes (including party political purposes).
- (c) to claim expenses and allowances in the case of the PCC only in accordance with directions issued by the Secretary of State and in the case of other office holders only in accordance with the published expenses and allowances scheme of the PCC.
- (d) To record the receipt of offers of gifts and hospitality in accordance with the policies and procedures of the Office of the PCC.

### **4. Register of Paid Office or Employment and Pecuniary Interests**

I agree:-

- (a) within 28 days of taking office to give notice to the Chief Executive details of paid office or employment and every pecuniary interest as set out in the Schedule for entry in the register of paid office or employment and pecuniary interests maintained by the Chief Executive.
- (b) within 28 days of any change in circumstances to give notice to the Chief Executive any such changes for entry in register of paid office or employment and pecuniary interests.
- (c) if the nature of the pecuniary interest is such that I and the Chief Executive consider that disclosure could lead to me or a person connected with me being subject to violence or intimidation, then any entry in the register should not include details of the

interest but should indicate that the interest has been disclosed and is withheld by virtue of this paragraph.

#### **5. Conflicts of interests**

In any case where the interests of exercising the functions of my office may conflict with any paid office or employment or any pecuniary or other interest, which has become known to me, I shall as soon as possible declare such conflict by giving notice in writing to the Chief Executive and determine whether the conflict of interest is so substantial that the function should not be exercised personally but should be delegated or dealt with in some other manner to ensure the conflict of interest does not arise.

I shall not in my official capacity act as a voluntary character witness in respect of any proceedings in any court or tribunal.

#### **6. Disclosure of information**

- (a) I agree not to disclose information given to me in confidence or information acquired by me which is of a confidential nature, unless I have the consent of a person authorised to give it or I am required by law to do so or for the lawful purposes of my office provided that I shall not be prevented from disclosure to a third party for the purpose of obtaining professional legal advice where the third party agrees not to disclose the information to any other person;
- (b) Any disclosure made by me shall be reasonable, be in the public interest and made in good faith.
- (c) I agree not to prevent another person from gaining access to information to which that person is entitled by law.

#### **7. Transparency**

The register of interests and gifts and hospitality shall be published on the PCC's website.

#### **8. Complaints**

Any complaint about the conduct of the Police and Crime Commissioner or Deputy Police and Crime Commissioner shall be referred to the Police and Crime Panel for the West Midlands at the address below:-

WMPCP Office  
Birmingham Council House  
Victoria Square  
Birmingham  
B1 1BB  
Email: [wmpcp@birmingham.gov.uk](mailto:wmpcp@birmingham.gov.uk)

Any complaint about a member of the Strategic Policing and Crime Board other than the Police and Crime Commissioner or Deputy Police and Crime Commissioner shall be referred to:

The Chair of the Joint Audit Committee  
The Office of Policing and Crime,  
Lloyd House,  
Colmore Circus,  
Queensway  
Birmingham B4 6NQ

Who shall determine in consultation with the Police and Crime Commissioner what action to take.

**9. Agreement to abide by the code**

I agree to abide by the “Nolan Principles” and the provisions of this code of conduct.

Signed by

.....

Police and Crime Commissioner/Deputy Police and Crime Commissioner/Member of Strategic Board

Date:.....

**SCHEDULE**

**Paid office or employment and pecuniary interests**

<b>Subject</b>	<b>Paid Office, Employment or Pecuniary Interest</b>
Employment, office, trade, profession or vacation.	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision or any other financial benefit (other than from the PCC) made or provided in respect of any expenses incurred in carrying out duties and responsibilities of an office holder. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992. This does not include election expenses.
Contracts	Any contract which is made between an office holder in a personal or private capacity (or a body in which the office holder has a personal or private beneficial interest) and the PCC – (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the PCC.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the PCC.
Corporate tenancies	Any tenancy where (to the knowledge of the relevant person): (a) the landlord is the PCC; and (b) the tenant is a body in which the office holder has a beneficial interest.

<p>Securities (meaning shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society).</p>	<p>Any beneficial interest in securities of a body where –</p> <ul style="list-style-type: none"><li>(a) that body (to the relevant person's knowledge) has a place of business or land in the area of responsibility of the PCC; and</li><li>(b) either –<ul style="list-style-type: none"><li>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or</li><li>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</li></ul></li></ul>
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**A PROTOCOL FOR RELATIONSHIPS  
BETWEEN THE POLICE AND CRIME COMMISSIONER, DEPUTY POLICE AND  
CRIME COMMISSIONER AND STAFF OF THE  
POLICE AND CRIME COMMISSIONER**

## Preamble

1. This protocol shall be read together with the Policing Protocol<sup>1</sup> and the PCC code of conduct. It applies to the PCC, the Deputy PCC, persons appointed by the PCC to act as advisers and staff of the PCC.
2. Mutual trust and respect between the PCC and staff employed by the PCC is at the heart of good governance of the local policing body. They are essential if the partnership necessary for the effective running of the PCC's office is to succeed.
3. This may seem obvious. But what happens when relationships go awry? Where can the PCC and staff turn for guidance? What mechanisms exist for addressing concerns? How can matters be improved?
4. Such questions point to the need for a written guide to the basic elements of the relationship between the PCC and staff – a protocol:
  - to promote trust, openness, fairness and honesty by establishing some ground rules;
  - to define roles so as:
    - to clarify responsibilities (i.e. who does what),
    - to avoid conflict, and
    - to prevent duplication or omission;
  - to secure compliance with the law, codes of conduct and practices in the PCC's office; and
  - to lay down procedures for dealing with concerns by the PCC or staff.
5. A protocol should be recognised both as a central element of the local policing body's corporate governance, and as a commitment to upholding standards of conduct in public life. It's one way of demonstrating to the public at large that the local policing body is serious about protecting and enhancing its integrity and reputation.
6. This protocol has been approved by the PCC following consultation with the staff.

## Definitions

7. Unless the context indicates otherwise, references to the expression "**PCC**" means the office of Police and Crime Commissioner for the West Midlands and includes the Deputy Police and Crime Commissioner and any person (other than staff) exercising delegated functions for and on behalf of the Police and Crime Commissioner.
8. **Staff** means all persons employed by, and under the direction and management of the PCC but for the purpose of this protocol does not include the Deputy PCC.

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<sup>1</sup> The Policing Protocol Order 2011

## **Principles**

9. The PCC and staff must at all times observe this protocol.
10. The protocol will be monitored by the Audit Committee.
11. The protocol seeks to maintain and enhance the integrity (real and perceived) of the office of the PCC which demands the highest standards of personal conduct.
12. The PCC and staff must always respect the roles and duties of each other. They must show respect in all their dealings by observing reasonable standards of courtesy, and by not seeking to take unfair advantage by virtue of their position.
13. Whilst the PCC and staff are indispensable to one another, their responsibilities are distinct. The PCC is accountable to the public and serves as long as his/her term of office lasts. Staff are accountable to the PCC in his/her capacity as an office holder. The role of staff is to give advice to the PCC and the office of the PCC and to carry out the PCC's work under the direction of the Chief Executive.
14. The PCC has adopted a code of conduct. This code follows the seven principles of public life "the Nolan Principles", viz:

### **THE SEVEN PRINCIPLES OF PUBLIC LIFE**

#### **SELFLESSNESS**

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

#### **INTEGRITY**

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

#### **OBJECTIVITY**

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

#### **ACCOUNTABILITY**

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

#### **OPENNESS**

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

## **HONESTY**

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

## **LEADERSHIP**

Holders of public office should promote and support these principles by leadership and example.

15. These principles underpin this protocol.
16. Allegations that there has been a breach of this protocol by the PCC shall be submitted in the first instance to the Chief Executive of the PCC.
17. Any complaint by the PCC or a person exercising functions on behalf of the PCC about a member of staff of the PCC shall in the first instance be referred to the Chief Executive of the PCC. The Chief Executive shall resolve any complaints in such manner as shall be appropriate in the circumstances and shall have the power to engage an independent mediator in the event of a dispute.

## **The role of the PCC in relation to staff**

18. The Chief Executive of the PCC shall be responsible for the organisation, administration and discipline of the office of the PCC and the management and deployment of staff and shall be accountable to the PCC for the performance and actions of staff.
19. All instructions and decisions of the PCC which require action by the staff shall be made through the authority of the Chief Executive in accordance with the formal decision making procedures and practices of the office of the PCC.
20. The PCC and any person exercising the functions of the PCC shall have regard to the advice of the statutory officers (the Chief Executive as Monitoring Officer and the Treasurer and the Section 151 Officer).
21. As a general principle, the PCC's staff shall be regarded as politically impartial and the PCC and persons exercising the functions of the PCC shall respect such impartiality and shall do nothing which compromises this principle.
22. The PCC and persons exercising the functions of the PCC shall ensure that no action is taken which constitutes discrimination or harassment for the purposes of the Equality Act 2012 and that staff are treated with respect at all times.

## **Information held by the PCC**

23. The PCC and any person exercising the functions of the PCC shall have the right to see and be provided with any information held by the office of the PCC in relation to any matter for which the PCC has statutory responsibility and which are required to undertake the function of the PCC. Any requests for information may be made to the member of staff holding such information

subject to the right of the member of staff to refer any request for information to the Chief Executive.

24. Any information supplied to the PCC or any person exercising the functions of the PCC shall be supplied strictly on the basis that such information shall be used only for the statutory functions of the PCC and for no other purpose including information for use for political purposes or for any purpose in relation to the election of a police and crime commissioner.
25. Any information supplied which is marked as restricted and above under the Government Protective Marking Scheme or which is information which constitutes person data under the Data Protection Act 1998 shall not be communicated to any third party except to the extent which is permitted or required by law.
26. Any issue as to the validity of the PCC's request to see a document on a need to know basis will be determined by the Chief Executive whose advice should be sought if there is any doubt about the propriety of a request.
27. The PCC should obtain advice from Chief Executive in circumstances where access to documents or information is requested:
  - where to do so is likely to be in breach of the Data Protection Act, or
  - where the subject matter is one in which the PCC or person making the request has a pecuniary or other interest.
28. Information given to the PCC must only be used for the purpose for which it was requested.
29. The PCC and staff must not disclose information given to them in confidence without the consent of a person authorised to give it, or unless required by law to do so.
30. Staff will respect the confidentiality of advice requested and received by the PCC.
31. The PCC and staff must not prevent another person from gaining access to information to which that person is entitled by law.

### **Approval of contracts and expenditure**

32. All contracts entered into by or on behalf of the PCC shall be subject to the provisions of financial regulations.
33. All financial transactions by or on behalf of the PCC shall be subject to the provisions of financial regulations and practices and procedures of the office of the PCC.
34. Any person exercising functions on behalf of the PCC shall authorise a contract or expenditure only in accordance with such authority as may be delegated on accordance with such approvals as may be required.

### **The role of staff**

31. Staff are responsible for giving advice to the PCC to enable the PCC to fulfil his/her statutory role. In doing so, staff will take into account all available relevant factors.
32. Under the direction and control of the Chief Executive, staff manage and provide a number of services within the framework of responsibilities delegated to them. This includes the effective management of employees and operational issues.
33. Staff have a duty to implement decisions of the PCC which are lawful, and which have been properly approved in accordance with the requirements of the approved decision making processes.
34. Staff have a contractual and legal duty to be impartial. They must not allow their professional judgement and advice to be influenced by their own personal views.
35. Staff must always act to the best of their abilities in the best interests of the PCC as expressed in the PCC's formal decisions and policies.
36. Staff must be alert to issues which are, or are likely to be, contentious or politically sensitive, and be aware of the implications for the PCC, the media or other sections of the public.
37. Staff have the right not to support the PCC or any person acting on behalf of the PCC in any role other than that of their official role and authority, and not to engage in actions incompatible with this protocol. In particular, there is a statutory restriction on some staff being involved in political activities.

### **The relationship between the PCC and staff: general**

38. The conduct of the PCC and staff should be such as to instil mutual confidence and trust.
39. There are two key elements: respect, and recognition of each other's roles and responsibilities.
40. Informal and collaborative two-way contact between the PCC and staff is encouraged. But close personal familiarity can damage the relationship, as might a family or business connection.
41. The PCC and staff should inform the Chief Executive of any relationship which might be seen as unduly influencing their work in their respective roles.
42. It is not enough to avoid actual impropriety. The PCC and staff should always be open about their relationships to avoid any reason for suspicion and any appearance of improper conduct. Where a close personal relationship has been disclosed, those concerned should avoid a situation where conflict could be perceived.

43. Staff serve the PCC in his/her official capacity as the local policing body. They have a duty to implement the properly authorised decisions of the PCC.
44. Staff work to the instructions of the Chief Executive. It follows that, whilst such staff will always seek to assist the PCC, they must not be asked to exceed the bounds of authority they have been given by the Chief Executive or their manager. Except when the purpose of an enquiry is purely to seek factual or routine information, the PCC should normally direct requests, complaints and concerns to the Chief Executive, at least in the first instance.
45. Staff will do their best to give timely responses to the PCC's enquiries. However, staff should not have unreasonable requests placed on them. Their work priorities are set and managed by the Chief Executive of their manager and these should be respected.
46. The PCC will endeavour to give timely responses to enquiries from staff.
47. A member of staff shall not discuss with the PCC any personal matters concerning themselves or another individual member of staff.
48. The PCC and staff should respect each other's free (i.e. non-working) time.

#### **The PCC as employer**

49. Staff are employed by the PCC to serve the PCC in his/her capacity as the local policing body.
50. It is the function of the Chief Executive to make decisions on staff appointments subject to consultation with the PCC in respect of senior posts.
51. Any involvement of the PCC or the Chief Executive in making appointments of staff shall:
  - a. remember that the sole criterion is merit,
  - b. never canvass support for a particular candidate,
  - c. not take part where one of the candidates is a close friend or relative,
  - d. not be influenced by personal preferences, and
  - e. not favour a candidate by giving them information not available to the other candidates.
52. The PCC should not normally sit on an appeal hearing where the appellant is a friend, a relative, or a member of staff with whom the PCC has had a close working relationship.

#### **Meetings of the PCC and others**

53. Any formal meetings held by the PCC in that capacity shall normally involve the attendance of the Chief Executive or a member of staff and a formal record of matters discussed and decisions made shall be made.
54. The Chief Executive or lead officer will offer to arrange regular informal meetings with the PCC.

55. The Chief Executive or lead staff have the right to present reports and give advice to meetings.
56. Any decision made by the PCC requiring action in the name of the PCC shall be implemented by the Chief Executive or other named member of staff or member of staff designated by the Chief Executive.

### **Political meetings and advice**

57. Staff shall not be expected to attend any meeting or event of a party political nature or in relation to a candidate or intended candidate for election as a police and crime commissioner unless such attendance has been specifically approved by the Chief Executive.
58. Staff must not be involved in advising on matters of party political or election business, and therefore should not be expected to be present at meetings or parts of meetings when such matters are to be discussed.
59. It must not be assumed or asserted that a member of staff is supportive of a particular policy or view considered at a party political or candidate or intended candidate meeting simply because they have attended or provided information to the meeting.
60. Staff will respect the confidentiality of any party political or candidate or intended candidate meeting at which they are present and, unless requested to do so, will not relay the content of such discussions to another political party or candidate or intended candidate. This shall not prevent a member of staff providing feedback to the Chief Executive or lead staff on a need-to-know basis.
61. In their dealings with political parties or candidates or intended candidates, staff must act in a fair and even-handed manner.
62. A member of staff should be given the opportunity of verifying comments and advice attributed to them in any written record of a political party meeting candidate or intended candidate meeting.
63. The PCC will not refer in public to advice or information given by staff to a political party meeting or a candidate or intended candidate meeting.
64. Any particular cases of difficulty or uncertainty in relation to this part of the protocol should be raised with the Chief Executive.

### **PCC engagement and consultation duties**

65. To enable the PCC to undertake his/her community consultation and engagement role effectively, the PCC needs to be fully informed about matters affecting the West Midlands policing area. The Chief Executive must ensure that all relevant staff are aware of the requirement to keep the PCC informed, enabling him/her to exercise the community consultation role.



## **Media relations**

66. All formal relations with the media must be conducted in accordance with the PCC's agreed procedures.
67. Press releases or statements made by staff must promote or give information on the PCC's decisions, policy or services. They will be factual and consistent with policy. They cannot be used to promote a political party, candidate or intending candidate.
68. Staff will keep the PCC informed of media interest in the PCC's activities, especially regarding strategic or contentious matters.
69. Before responding to enquiries from the media, staff shall ensure they are authorised to do so.
70. Likewise, staff will inform the PCC's press officer of issues likely to be of media interest, since that section is often the media's first point of contact, and is responsible for the strategic management of media relations.
71. If the PCC's office is contacted by, or contacts, the media on an issue relating to the PCC's statutory functions, they are advised to:
  - a. indicate in what capacity they are speaking (e.g. in a personal capacity or on behalf of the PCC);
  - b. be sure of the facts and what they want to say or not say;
  - c. consider the likely consequences for the PCC of their statement (e.g. commitment to a particular course of action, reputation, image, allegations of jumping to conclusions);
  - d. never give a commitment in relation to matters which may be subject to claims from third parties and/or are likely to be an insurance matter;
  - e. consider whether to consult the Chief Executive or the PCC;
  - f. take particular care in what they say in the run-up to local or national elections to avoid giving the impression of partiality; and
  - g. inform the PCC's press officer as soon as possible.
72. The PCC's staff shall not be bound to respond to any media enquiries relating to a matter affecting the personal affairs of the PCC. If in doubt advice must be sought from the Chief Executive.

## **Correspondence**

73. All correspondence in writing from the PCC's office or in the name and on behalf of the PCC shall be on the approved style of letter heading and as circumstances may require be signed by the PCC, a person authorised by the PCC to sign or a member of the PCC's staff authorised to sign.
74. Any email communication from the PCC's office or in the name and on behalf of the PCC shall conform to the PCC's email policies and shall be from the authorised domain name of the PCC's office.
75. All official correspondence and email's sent from and on behalf of the PCC and his/her office shall be kept by and recorded in the PCC's office.

### **Access to premises**

76. The PCC has the right to enter land and premises in the ownership of the PCC as the local policing body for the purposes of undertaking the statutory functions of the PCC.
77. Any visits to premises should:
  - a. whenever practicable, notify and make advance arrangements with the appropriate manager or officer in charge;
  - b. comply with health and safety, security and other workplace rules;
  - c. not interfere with the services or activities being provided at the time of the visit.

### **Use of PCC's resources**

78. Office services, equipment and material provided to the PCC are solely to assist the PCC in discharging his/her statutory role. These services, equipment and material are paid for from the public purse. They should not be used for private purposes or in connection with party political or campaigning activities but IT facilities may be used in connection with the statutory activities of the PCC.
79. Staff should ensure they understand and comply with the PCC office's own rules about the use of such resources, particularly regarding ICT security.
80. The PCC should not put pressure on staff to provide resources or support which staff are not permitted to give. Examples are:
  - a. business which is solely to do with a political party;
  - b. work in connection with a ward or constituency party political meeting;
  - c. electioneering;
  - d. work associated with an event attended by the PCC in a capacity other than as the PCC;
  - e. private personal correspondence;
  - f. work in connection with another body or organisation where the PCC's involvement is other than as the PCC; and
  - g. support to the PCC in his/her capacity as a councillor of a local authority.

### **Interpretation, complaints and allegations of breaches**

81. This part of the Protocol should be read in conjunction with the PCC's Confidential Reporting (i.e. Whistleblowing) Policy.
82. The PCC and staff with questions about the implementation or interpretation of any part of this protocol should seek the guidance of the Chief Executive.
83. If the PCC has any complaint about the actions taken by, or conduct of, a member of the staff he/she should:

- a. avoid personal attacks on, or abuse of, the member of staff at all times,
  - b. ensure that any criticism is well founded and constructive,
  - c. never make a criticism in public, and
  - d. take up the concern with the officer privately.
84. If direct discussion with the member of staff is inappropriate (eg because of the seriousness of the concern) or fails to resolve the matter, the PCC should raise the issue with the Chief Executive.
85. A serious breach of this protocol by a member of staff may lead to an investigation under the PCC's disciplinary procedure.
86. A member of staff who believes the PCC may have acted other than in accordance with this protocol should raise their concern with Chief Executive, who will consider how the complaint or allegation should be dealt with. At a minor level, this may be no more than informally referring the matter to the PCC.

