

Report: Annual Monitoring Officer Report 2021/22

To: Chair and Members of the Audit Committee

Date: 29th September 2022

Status: For information

Executive & Presenting Officer: Lisa Oldroyd,
Chief Executive & Monitoring Officer, Office of the
Police & Crime Commissioner for Cleveland.



1. Purpose

- 1.1 The purpose of this report is to provide the Chair and Members of the Audit Committee with an annual update on the exercise of the statutory function of Monitoring Officer for the Police and Crime Commissioner (PCC) for the period 1 April 2021 – 31 March 2022.

2. Background

- 2.1 As prescribed by the Police Reform and Social Responsibility Act 2011, the Police and Crime Commissioner (PCC's) must appoint a Chief Executive to be the Head of the PCC's staff.
- 2.2 The Chief Executive post also encompasses the role of Monitoring Officer, by virtue of Section 5 of the Local Government and Housing Act 1989.
- 2.3 The function of the Monitoring Officer is to report to the PCC, if it appears that any proposal, decision or omission by the elected Policing Body or by any person holding any office or employment under the PCC, constitutes, has given rise to or is likely to or would give rise to a contravention of any enactment or rule of law or any code of practice; or any such maladministration or injustice.
- 2.4 The Monitoring Officer must send a copy of that report to the Police and Crime Panel.
- 2.5 The Monitoring Officer is required to work closely with the PCC's Chief Finance Officer to ensure compliance with organisations regulatory rules (as set out in the Code of Corporate Governance) and is in a position to influence matters of integrity, professional ethics and propriety in all aspects of the exercise of the PCC's business.
- 2.6 To ensure resilience of the role of Monitoring Officer, in the absence of the Chief Executive the Assistant Chief Executive acts as Deputy Monitoring Officer.

3. Monitoring Officer Activity 2021/22

- 3.1 A full list of Monitoring Officer activity including details of controls and future planned activity are set out below.

Ensuring lawfulness and fairness of decision making.
<ul style="list-style-type: none">• In accordance with the PCC decision making process¹, Statutory Officers continued to consider every decision of significant public interest made by the PCC, in respect of lawfulness and compliance with good corporate governance.• Specialist advice and assistance in relation to corporate decision making is available to Statutory Officers via the Evolve Legal Services Collaboration, including seeking external legal opinion where necessary.• The Chief Executive and Monitoring Officer and the Chief Finance Officer both hold membership of the Association of Policing and Crime Chief Executives and the Police and Crime Commissioners' Treasurers' Society respectively, both of which provide a conduit for further professional advice and support.• A log of key decisions made by the PCC are published on the PCC's website² unless deemed to be exempt. Information supporting a decision will be kept with the decision record and made available on request (subject to any exemption).• The PCC reports all key decisions to the Police and Crime Panel³ for scrutiny.• Broadly mirrored by the conclusions and opinions provided by Internal Audit, governance and decision-making arrangements within the Office of the Police and Crime Commissioner (OPCC) continue to be regarded as fit for purpose, in accordance with the governance framework.
Public Interest Disclosure Policy.
<ul style="list-style-type: none">• The PCC has in place transparent and accessible mechanisms to raise Whistleblowing concerns⁴.• The statutory provisions relating to 'Whistleblowing' apply to staff of the Office of the Police and Crime Commissioner, Cleveland Police Officers and Police Staff. This means that such staff are able to make disclosures protected by the legislation and remain protected from action by their

¹ [Decision making process - Cleveland Police and Crime Commissioner \(pcc.police.uk\)](https://www.cleveland.pcc.police.uk/publications/decision-making-process/)

² [Decision notices - Cleveland Police and Crime Commissioner \(pcc.police.uk\)](https://www.cleveland.pcc.police.uk/publications/decision-notices/)

³ <https://www.redcar-cleveland.gov.uk/community-safety/police-and-crime-panel>

⁴ <https://www.cleveland.pcc.police.uk/publications/public-interest-disclosure-whistle-blowing-policy/>

employer. These statutory provisions are reflected in the PCC's Public Interest Disclosure Policy which clearly outlines the action to be taken in cases of qualifying disclosures.

- An Internal Audit review of Whistleblowing undertaken during 2021/22 found:

The Police and Crime Commissioner for Cleveland (PCC) has in place a public Interest Disclosure Policy that gives guidance on how concerns can be raised, details on how they will respond to concerns raised, including time scales and actions that will be considered depending on the results of investigations. The policy also includes contact details of who can be contacted within the PCC's office regarding concerns and how the monitoring of the policy will be carried out, including whether the policy is being used appropriately, patterns of concerns and whether the policy is effective in identifying and deterring malpractice.

- For concerns raised by third parties falling outside the PCC's policy, the Monitoring Officer will direct the reporting persons to the relevant prescribed body i.e., Charity Commission.
- During the reporting period no qualifying disclosures have come to the attention of the Monitoring Officer.

Complaints against the Office of the Police and Crime Commissioner.

- The PCC has in place transparent and accessible mechanisms to raise complaints.
- The PCC's website⁵ provides information regarding the various types of complaints which might arise and to where complaints should be directed. It also advises on how the OPCC deals with complaints which are its responsibility. During the reporting period four complaints against OPCC staff have been recorded.
- As per the Elected Policing Bodies (Complaints and Misconduct) Regulations 2012, complaints against the PCC fall under the remit of the Police and Crime Panel. Where complaints concerning the PCC come to the attention of the OPCC these are referred to the Police and Crime Panel. During the reporting period, five complaints have come to the attention of the Monitoring Officer and have been subsequently referred to the Police and Crime Panel.

⁵ [Complaints and feedback - Cleveland Police and Crime Commissioner \(pcc.police.uk\)](https://pcc.police.uk/complaints-and-feedback)

- From 31 January 2022, the PCC took on responsibility for the logging and initial handling of all expressions of dissatisfaction against Cleveland Police. Aligned to the Internal Audit review undertaken in 2021/22, a review of the OPCC staff complaints policy will take place in 2022/23 to explicitly outline respective roles and responsibilities of OPCC staff in the complaints process.

Anti-fraud and corruption policy.

- The PCC is committed to maintaining the highest levels of honesty and integrity and the prevention of corrupt, dishonest, unethical and unprofessional behaviour.
- The PCC's Anti-Fraud and Corruption Policy is published on the PCC's website⁶.
- The Policy has been in place since 2012 and will be subject to review during 2022/23, accompanied by refresher training.
- The Policy sets out the processes for identifying and responding to fraud and corruption. Fraud is deterred through the exercise of policies and procedures. Robust contract management, regular internal audits, vetting of staff and a Public Interest Disclosure Policy all contribute to deterring fraud and corruption.
- The Financial Regulations set out the requirement for internal financial controls, including the approach to preventing fraud and compliance, together with the arrangements for dealing with suspected fraud, theft, irregularity and improper use or misappropriation of property or resources.
- All OPCC staff are subject to police vetting processes.
- The Monitoring Officer maintains and keeps up to date a register of PCC's interests, and the offer of any gift or hospitality to the PCC or staff. Under the Elected Local Policing Bodies (Specified Information) Order 2011 (as amended) registers are maintained and available for examination via the PCC's website⁷.

4. Conclusion

- 4.1 Overall, during the reporting period there were no occasions where the Monitoring Officer had reason to believe that there was a likelihood that the PCC was about to take a decision that would be unlawful or give rise to

⁶ [Police and Crime Commissioner for Cleveland - Anti-fraud & Corruption Policy and Procedure - Cleveland Police and Crime Commissioner \(pcc.police.uk\)](https://pcc.police.uk/anti-fraud-and-corruption-policy-and-procedure)

⁷ [~ASX::%FileName%~ \(pcc.police.uk\)](#)

maladministration. Consequently, no reports have been issued to the Police and Crime Panel under Section 5(2) of the Local Government and Housing Act (1989).

5. Recommendation

- 5.1 The Chair and Members of the Audit Committee are requested to note the contents of this report.