

LEICESTERSHIRE POLICE AUTHORITY



Meeting **STANDARDS COMMITTEE**

Date **THURSDAY 25 JUNE 2009 AT 2.00 P.M.**

Report of **CHIEF EXECUTIVE**

Subject **MONITORING OFFICER PROTOCOL**

Purpose of Report

1. This report provides Members with the opportunity to comment on the protocol and an equality impact assessment.

Commentary

2. The Monitoring Officer protocol was agreed by the Police Authority in December 2002. It sets out the requirements for a Monitoring Officer in respect of his relationship with a Police Authority and the Standards Committee. The protocol is found at Appendix 1. There are no substantial amendments proposed to the previous version.
3. In addition, at Appendix 2 Members will find an Equality Impact Assessment.
4. Members are requested to comment on the protocol and on the Equality Impact Assessment. The final version of the Equality Impact Assessment will appear on the Police Authority website.
5. The proposed review date is found within the body of the protocol.

Recommendation

6. Members are requested to approve the protocol and the Equality Impact Assessment.

Implications

Financial: none. Legal: entire report. Diversity: Appendix 2. Risk Management: it is good practice to regularly review protocols and policies.

Background Papers

None.

Contact Officer

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LEICESTERSHIRE POLICE AUTHORITY

MONITORING OFFICER PROTOCOL

1. The Monitoring Officer undertakes to discharge the responsibilities outlined in this paper with determination and in a manner which will enhance the reputation of the Authority. In general terms the ability to discharge these duties depends on excellent working relations with colleagues and members but also the flow of information and access to debate particularly at early stages.
2. The role of the Monitoring Officer is to report on likely contraventions of law under the Local Government and Housing Act 1989 and to provide and maintain high standards of conduct through the Local Government Act 2000.
3. The following arrangements and understandings between the Monitoring Officer and colleagues and members are designed to help ensure the effective discharge of functions as follows:
 - i) Advance notice of meetings whether formal or informal between Chief Officers and members will be given to the Monitoring Officer where any procedural, vires or other constitutional issues are likely to arise.
 - ii) Chief Officers will alert the Monitoring Officer to all emerging issues of concern including legality, probity, vires and constitutional issues.
 - iii) The Monitoring Officer will have copies of all reports when sent to members.
 - iv) The Monitoring Officer is expected to develop good liaison and working relations with the Standards Board for England, the External Auditor and the Local Government Ombudsman including the giving and receiving of relevant information whether confidential or otherwise.
 - v) The Monitoring Officer will have a special relationship with the Chairman of the Authority and the Chairman of the Standards Committee.
 - vi) The Monitoring Officer will be expected to make enquiries into allegations of misconduct in the absence of a written complaint being received by the Standards Board and if appropriate will make a written report to the Standards Committee, unless the Monitoring Officer and Chair of Standards Committee agree a report is not warranted.
 - vii) In carrying out any investigation (whether under Regulations or otherwise) the Monitoring Officer will have unqualified access to any information held by the Authority and any employee (including, with the consent of the Chief Constable, any officer) who can assist in the discharge of their functions.
 - viii) The Monitoring Officer will have control of a budget sufficient to enable him/her to seek Counsel's opinion on any matter concerning his/her functions.
 - ix) The Monitoring Officer will be responsible for preparing a training programme for members on the ethical framework and will undertake to identify the training needs of members on an annual basis.

- x) In consultation with the Chairman of the Authority and Standards Board for England, the Monitoring Officer may defer the making of a formal report under Section 5 LGHA 1989 where another investigative body is involved.
 - xi) The Monitoring Officer will make a report to the Authority from time to time as necessary on the staff, accommodation and resources (s)he requires to discharge his/her functions.
 - xii) The Monitoring Officer will appoint a deputy whom (s)he will keep briefed on emerging issues.
4. This Protocol will be reviewed by the Authority every 3 years

Impact Assessment Template

Purpose

The purpose of an Equality Impact Assessment is to work out how a policy will affect people from different groups, both externally in terms of our communities and internally in terms of our staff. This is so that we can ensure as far as possible our policies are developed in full recognition of the diverse needs, circumstances and concerns of the people who will be affected by them.

Policy Title	Monitoring Officer Policy	
Version	June 2009	
Publication	Yes	Internal
Policy Owner	Police Authority	RS
Date Impact assessment completed	16 June 2009	
Policy Review Date	June 2012	
Impact Assessment Author	Robert Swinfield	

Summary of Policy and Purpose

The Monitoring Officer Protocol sets out the requirements for a good relationship between the Monitoring Officer and Members of the Authority. It recites the special relationship needed between the Monitoring Officer and Chairman of the Authority and Chairman of the Standards Committee. It recites the fact that the Monitoring Officer needs access to documentation and to be alerted to issues as and when they arise. This is in order for the Monitoring Officer to fulfil the statutory obligations regarding oversight of propriety of the Authority's business and the administration of complaints against Members.

Section 1: Screening for Relevance to Equality

Section 1 should be completed for all policies.¹

On the basis of existing knowledge, data, and best estimates does this policy have an adverse impact on any of the following 4 areas:

(Please tick those areas in which there is adverse impact or potential for it.)

<u>Area 1: Promote Equality of Opportunity</u>					
Age	Disability	Gender	Race / Ethnicity	Religion / Belief	Sexual Orientation
<u>Area 2: Eliminate Discrimination and Harassment</u>					
Age	Disability	Gender	Race / Ethnicity	Religion / Belief	Sexual Orientation

¹ Note: A policy may be defined as a set of principles or a criterion an organisation develops to help carry out its functions as such, procedures and guidance is included also.

Area 3: Promote Good Relations Between Different Groups					
Age	Disability	Gender	Race / Ethnicity	Religion / Belief	Sexual Orientation
Area 4: Does the Policy Impact on Disabled People?					
Yes No <input checked="" type="checkbox"/> If YES, and to comply with legislation, please answer the following:					
Have measures been taken to meet the needs of disabled people (even if this requires more favourable treatment)? Please answer here:					
Not applicable					
Does the policy encourage participation by disabled people? Yes No <input checked="" type="checkbox"/>					
Please summarise the findings by source:					
Please answer here:					

If there is no evidence of adverse impact to equality issues highlighted in any of the 6 equality strands above and the research data supports this, there is no need to complete the rest of this template. However, if the screening assessment shows there to be an adverse impact in any of the areas a full impact assessment will be required. You will need to complete the rest of this template. Please determine whether this policy is one that is deemed high, medium or low priority².

High Medium Low

²

High: Policies which have an impact on three of the four areas of Section1 (Promote Equality of Opportunity; Eliminate Discrimination and Harassment; Promote Good Relations Between Different Groups; Does the Policy Impact on Disabled People) and where there are concerns.

Medium: Policies which only apply to two of the areas of the general duty.

Low: Policies which may have an impact on one of the general duties, but which monitoring has not indicated issues of concern.

Note High priority policies require a full impact assessment within a 6 month period, medium in 12 months and low in 18 months.