

## **The role of the chief executive**

### **Introduction**

Every police and crime commissioner (PCC) must have a chief executive in post who will support and advise the PCC in delivering all his/her statutory duties and responsibilities. The chief executive will work with the PCC to enable delivery of the PCC's vision, strategy and identified priorities and facilitate appropriate scrutiny of the police force's activities. The chief executive will also ensure the effective strategic and operational leadership of the Office of the PCC (OPCC).

The chief executive also holds the role of the Monitoring Officer<sup>1</sup>, with a remit to draw to the PCC's attention any actual or possible contravention of law, maladministration or injustice. Additionally, this post will fulfil the statutory function of the Head of Paid Service<sup>2</sup>. The post of chief executive is politically restricted and the post holder must be appointed on merit.

The PCC and chief constable must each appoint a chief finance officer.

### **Key duties and responsibilities of the chief executive**

The chief executive's main role is to support and advise the PCC in delivering his/her manifesto, as expressed through the police and crime plan, and in undertaking the statutory duties and responsibilities, including:

- strategy and resource planning
- partnership working, commissioning and service delivery
- engagement and information management (including obtaining the views of the public, media relations, research, strategic needs assessments) and
- scrutiny, evaluation and performance.

The chief executive will also have responsibility for the management and day to day running of the OPCC.

### **Strategy and resource planning**

Decisions on force area resourcing and the strategic objectives for policing and reducing crime lie with the PCC. The chief executive will support the PCC in developing a clear and effective long-term vision and strategy. It will be their task to lead the development of the OPCC in the areas of strategic planning and finance (working closely with the two chief finance officers), information management,

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<sup>1</sup> section 5 of the Local Government and Housing Act 1989, as amended by the PRSRA11

<sup>2</sup> section 4(1A) of the Local Government and Housing Act 1989, as amended by p202 sch16 PRSRA11

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community and media relations, the management of strategic risk, the human resource and learning and development strategies, and ensuring that the PCC is compliant with current employment legislation. This will involve working with partners locally, regionally and nationally and having regard to a range of considerations including the political and economic landscape, the needs of service users and of service providers, and regulatory requirements.

### **Partnership working, commissioning and service delivery**

There will be an important role for the PCC in working with the chief constable and local partners to shape policy and strategic direction for policing and crime in their area, with a clear emphasis on achieving crime reduction outcomes.

The chief executive will be the strategic lead in respect of partnership for the PCC. They should represent and promote the interests of the PCC by developing and maintaining effective strategic partnerships with relevant public, private and voluntary sector organisations in the local community, and at regional and national meetings. They will be called upon to represent the PCC at high level meetings, for example with the Home Office, Her Majesty's Inspector of Constabulary and other relevant bodies at regional and national levels.

A key plank of the PRSRA is collaborative and joint working between partners across policing, community safety, criminal justice and victim support to deliver efficient and effective services that meet communities' and service users' needs. The chief executive will be accountable for the performance of the OPCC in all aspects of commissioning.

### **Engagement and information management**

To fulfil their functions, a PCC will have to obtain the views of the public and partners and share information on the performance of both the PCC and the police. The chief executive will need to develop and implement effective two-way community engagement and effective consultation with all sections of the community; use this feedback to help influence and shape policing and crime reduction; and support the PCC in raising their profile as a means to enhance the accountability of the police service and themselves to the public and communicating their values, priorities, strategies, achievements and views.

There will be a need to develop a proactive and healthy working relationship with the local media, and to build and support effective relationship management between the PCC and their communities. The OPCC will need to identify ways to work with the media to promote the PCC's activities and to share good news stories on policing and crime reduction, where appropriate. The PCC will also need to consider to the

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relationship and working arrangements with their Force in dealing with the media and key statements for delivery to the community, including handling the media relating to high profile policing operations.

The chief executive will need to ensure that effective strategic needs assessments are undertaken which demonstrate an understanding of the communities served in the police force area to inform the development of the police and crime plan and enable effective budget alignment and prioritisation. To support that, the chief executive will need to deliver, review and improve performance against the PCC's information strategy in the areas of communication, consultation and engagement.

### **Scrutiny, evaluation and performance**

As with all public bodies, the PCC will want to demonstrate effectiveness, efficiency and value for money. The chief executive will support the PCC in this by contributing to the efficient and effective delivery of the police and crime plan, together with any associated delivery plans.

The chief executive will oversee the financial planning; and budgetary, resourcing and asset management aspects of the OPCC. They should have direct access to and will need to work closely and constructively with both the PCC and force chief finance officers, who will have lead responsibility in these areas of business.

The chief executive will support the PCC in scrutinising force performance and support continuous improvement in the force and in the OPCC. They will have to distil and disseminate relevant information and advice to the PCC, enabling them, where appropriate, to challenge the force's strategic and financial performance. As part of this the OPCC will need to work with external inspection bodies, including Her Majesty's Inspector of Constabulary.

Furthermore, there is a requirement to ensure the effective and efficient operation of both the internal and external audit functions. Although this will be primarily the responsibility of the PCC's chief finance officer, the chief executive as monitoring officer and head of paid service has a role to play in fulfilling this requirement. The PCC and chief constable must establish an independent audit committee overseeing both organisations with both chief finance officers and the external auditor reporting directly to it.

There is also a requirement to oversee and ensure the effective and efficient management of complaints. Effective liaison will be needed between the OPCC and the chief constable, the police and crime panel and the Independent Police

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Complaints Commission, as appropriate, in relation to complaints arising against the PCC and the chief constable<sup>3</sup>.

### **The chief executive and the chief police officer team**

The PCC's professional adviser on policing is the chief constable and it will be important for these two individuals to have a close and effective working relationship. The chief executive will be expected to work closely with the PCC and chief constable (collectively and one to one), and to support the PCC in influencing and shaping the leadership and strategic direction for the Force.

The chief executive can also expect to work with other senior police officers/staff. There should be a particular focus on strategic matters, significant current issues and future direction. It will be important for all these parties to develop mutual trust and respect and to work together constructively to deliver positive outcomes for their communities.

### **Police and Crime Panel**

Whilst the PCC has oversight of the police force, it is the role of the local police and crime panel (the panel) to maintain a check and balance on the performance of the PCC. The panel scrutinises the PCC's exercise of their statutory functions. The panel is there to challenge the PCC, but it must carry out its functions with a view to supporting the effective exercise of the PCC's functions<sup>4</sup>. The panel does not scrutinise the chief constable.

The panel can require attendance of the PCC at its meetings, and the PCC may be accompanied by the chief executive and chief finance officer. The chief executive may be required to attend by the panel, and conversely cannot be excluded from its meetings. The chief constable may be invited, but cannot be required, to attend panel meetings.

There will be a need for the chief executive and their staff to develop and maintain a good working relationship with the panel and the lead local authority, ensuring that all appropriate information is provided on a timely basis by both organisations to

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<sup>3</sup> Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 (in respect of how complaints against PCC should be handled), and section 18 PRSRA11 and Part 2 and Schedule 3 of the PRA (in respect of complaints against chief officers).

<sup>4</sup> section 28(2)PRSRA11

enable the PCC and the panel to carry out their respective functions efficiently and effectively.

### **Running an efficient and effective OPCC**

In relation to the OPCC, the key functional and management responsibilities of the chief executive include:

- leading the delivery and continued development of the OPCC's activities and operations;
- demonstrating and promoting a commitment across the OPCC to high standards of conduct and adherence to the Nolan principles;
- providing clear and visible leadership to the staff of the OPCC, including overall responsibility for their ongoing development and training;
- supporting the PCC in relation to their own personal development to enable them to fulfil their role effectively;
- ensuring that the OPCC promotes the commitment to equality and diversity in all that it does and performs its duties and responsibilities for equalities and diversity according to relevant legislation;
- in conjunction with the PCC's chief financial officer, ensuring propriety in the conduct of the PCC's business including putting in place appropriate governance and delegations, and making proper arrangements for recording of decisions made, including tendering procedures and the letting of contracts, and scrutiny undertaken;
- addressing and dealing effectively with complex issues and problems, difficult situations and areas of conflict;
- demonstrating strong commitment to innovation and performance improvement;
- implementing best practice in change management and leadership;
- balancing conflicting pressures and needs, including shorter longer term trade-offs;
- leading collective ownership of strategy, risks and delivery.

## **The chief executive as the monitoring officer**

### **Introduction**

Parliament has designated the PCC's chief executive to fulfil the functions of monitoring officer. The monitoring officer can delegate his / her duties to a deputy monitoring officer.

Statute imposes a duty on the PCC to provide a monitoring officer with such staff, accommodation and other resources as are, in the opinion of the office holder, sufficient to allow those duties to be performed<sup>5</sup>.

### **Key duties and responsibilities of the monitoring officer**

The function of the monitoring officer is to report to the PCC, if it appears to him/her 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 of any code of practice; or
- any such maladministration or injustice<sup>6</sup>

with respect to that proposal, decision or omission. The monitoring officer must send a copy of that report to the police and crime panel.

The role of monitoring officer, within the governance framework of policing, is therefore restricted to ensuring that the PCC, or anyone acting on the PCC's behalf, acts lawfully and in such a way as not to constitute maladministration.

Therefore, the two roles of chief executive and monitoring officer have different responsibilities. On occasion, tensions will arise between what the PCC wants to do and how this can be achieved within the legislative framework. Whilst the chief executive will always look to find ways to achieve the desired (or acceptable alternative) outcomes, the monitoring officer will always ensure that the final solution adopted is lawful and proportionate. It is permissible for the day to day functioning of the monitoring officer role to be delegated to a senior individual other than the chief executive.

### **Governance in relation to non operational functions**

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<sup>5</sup> Section 5(1) Local Government and Housing Act 1989 as amended by PRSRA11

<sup>6</sup> Section 5(2) Local Government and Housing Act 1989 as amended by PRSRA11

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The PRSRA gives PCCs responsibility for the totality of policing within their force area. Public accountability for the delivery and performance of the police service lies in the hands of the PCC on behalf of their electorate. The PCC draws on their mandate to set and shape the strategic objectives of their force area, in consultation with the chief constable. The chief constable is accountable to the law for the exercise of police powers and to the PCC for the delivery of efficient and effective policing, management of resources and expenditure by the police force.

The chief executive will have duties in connection with any relevant decision or omission of the PCC in connection with the exercise of the PCC's statutory functions. However, it is likely that the majority of policing decisions will be taken by the chief constable, or persons employed by him/her or under his direction and control, as envisaged by the statutory Policing Protocol<sup>7</sup> which governs the working relationship between the PCC, the chief constable, the Home Secretary and the police and crime panel.

Given that ultimate accountability for the efficiency and effectiveness of the police force rests with the PCC - but also given the operational independence of the office of chief constable - the scope of the monitoring officer function extends to the non-operational decision making framework of both the PCC and the chief constable.

Accordingly, it would make practical sense for the chief executive and the chief constable to agree arrangements whereby effective legal compliance control can be exercised throughout the service through the governance structures, arrangements and instruments approved by the PCC but backed up by operating protocols and procedures with the chief constable's legal/corporate staff.

In particular, they need to ensure that

- decisions taken by the PCC/chief constable are taken with legal advice;
- the chief executive has the right to attend (or be represented by a member of the OPCC's staff) at any meeting and to advise on, or otherwise before a decision is taken, to make representations on a decision which binds the PCC;
- the chief executive and the chief finance officers have direct access to the independent audit committee of the PCC and the chief constable;
- the chief constable's legal adviser has full access to the chief executive with a recognised duty to report any potential impropriety;
- the scheme of governance, financial regulations, contract regulations, anti-fraud/corruption strategies and other key regulatory instruments of both the PCC and the chief constable clearly outline roles for the chief constable's legal staff and the monitoring officer so that effective legal oversight of decisions is maintained;

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<sup>7</sup> The Policing Protocol Order 2011

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- the monitoring officer has the right of access to any documents upon which the PCC/chief constable relied in taking non-operational decisions;
- in carrying out any investigation the monitoring officer has unqualified access to any non-operational information held by the chief constable which might assist in the discharge of his/her functions; any employee of the chief constable, and with the consent of the chief constable, any police officer;
- effective relationships are built between the chief finance officers, the chief executive and the chief constable and that there is effective exchange of information between them and regular opportunities to meet and discuss matters of interest/concern.

### **Chief executive personal attributes (Skills for Justice)**

The Skills for Justice website includes a professional framework for policing governance. The framework aims to assist with organisational development and the identification of skills, knowledge and experience required to fulfil the functions required by an OPCC. It has been developed by those working within policing governance in association with Skills for Justice in preparation for the election of the first police and crime commissioners.

The framework draws on National Occupational Standards (NOS) from a range of skill sectors including those from the criminal justice sector. National occupational standards describe competent performance in terms of outcomes of an individual's work and the knowledge and skills they need to perform effectively. They allow a clear assessment of competence against nationally agreed standards of performance, across a range of workplace circumstances. In this way, defining what has to be achieved, rather than what has to be done, they provide the necessary flexibility to meet the needs of individuals. NOS are reviewed by Skills for Justice and updated when required.

[Personal qualities](#) have been identified for each officer level and these sit alongside the NOS within this framework. The personal qualities have been adapted from those that were developed for the Policing Professional Framework. Whilst NOS describe *what* an individual needs to achieve in his or her role, the personal qualities outline *how* a person should conduct themselves in their role. The framework has been designed to be a flexible tool and is not intended to provide a prescriptive solution.

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### **The PCC's chief finance officer**

The PCC must also have in post a chief finance officer,<sup>8</sup> who has similar and complementary statutory duties and responsibilities to those of the monitoring officer in connection with any unlawful, or potentially unlawful, expenditure of the PCC or those acting on the PCC's behalf. As the statutory roles of monitoring officer and chief finance officer cannot be combined then it follows that the roles of the PCC's chief executive and chief finance officer cannot be combined.<sup>9</sup>

Unlike the chief finance officer function – where there is a statutory responsibility for the person exercising that function to be appropriately qualified – there is no such restriction on the chief executive function. Interestingly, the law requires the chief constable to designate a chief finance officer, who has the same responsibilities to that office, but there is no such obligation on the chief constable to have a monitoring officer.

The PCC's chief finance officer has a direct reporting relationship to the PCC and will be a key member of the OPCC leadership team. They will need to develop and maintain strong and constructive working relationships with the chief constable's chief finance officer, underpinned by sharing of information through a locally agreed information sharing protocol, which is to be agreed by the two chief finance officers in consultation with the chief executive.

Statutory guidance issued by the Secretary of State under the Local Government Act 2000<sup>10</sup> advises that local authorities need to ensure that the monitoring officer and the PCC's chief finance officer have access as necessary to meetings and papers, and that members must consult with him/her regularly. These arrangements do not apply to the PCC but the guidance represents best practice and the principles of access and consultation should be applied.

### **Statutory roles of chief finance officers/chief executive and monitoring officer**

By Section 114 of the Local Government Finance Act 1988, in the case of the PCC or chief constable, requires their chief finance officer, in consultation with the monitoring officer to present a report if there is, or is likely to be unlawful expenditure or an unbalanced budget. This report would be made to the PCC / CC and the external auditor. Members of the audit committee and the PCC / CC internal auditor should also be informed. Both the PCC and the chief constable chief finance officers have this responsibility in relation to their corporation soles. If either of the chief

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<sup>8</sup> section 5 of the Local Government and Housing Act 1989 as amended by the PRSRA11

<sup>9</sup> Further information about the role of the chief finance officer is available via the CIPFA website from October 2012 at this link <http://www.cipfa.org/Policy-and-Guidance/Publications>

<sup>10</sup> New Council Constitutions, Local Government Act 2000 – guidance to English local authorities, Chapter 8 – officers' roles under executive arrangements, DETR, October 2000

finance officers intends to exercise their statutory powers under S114, they should inform the other, and the chief executive / monitoring officer, as soon as possible.

The chief finance officer is required to make the report and send a copy to the PCC, the chief constable and the external auditor. The course of conduct which led to the report must not be pursued until the report has been considered. The PCC and the chief constable must consider the report within 21 days and decide whether they agree or disagree with the views in the report and what action it is proposed to take. Further information relating to the chief finance officer's report is contained in the CIPFA publication.

### **The PCC, Deputy PCC and special advisers**

In addition to the two statutory officer appointments, the PCC may appoint a deputy PCC<sup>11</sup> who may (but will not necessarily) be their principal political adviser. The PCC may delegate functions to the DPCC although the PRSRA places some restrictions on this<sup>12</sup>. The DPCC will be an employee of the OPCC appointed at the discretion of the PCC, not necessarily on merit. This is the only post in the OPCC which is not politically restricted. Their term of appointment must end not later than the day when the PCC's current term of office ends. The PCC will need to consider and determine the role and day to day responsibilities, reporting arrangements and remuneration for the DPCC.

The PCC may also appoint or have access to other party political advisers who may or not be paid.

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<sup>11</sup> section 18(1) PRSRA'11

<sup>12</sup> section 18 (6) and (7) PRSRA

## **The chief executive as leader**

### **Introduction**

The chief executive will have a pivotal role, supporting the PCC to deliver their vision and strategy, to provide leadership and direction for other chief officers and the OPCC, and to build healthy and influential working relationships with the chief police officer team, key partners and stakeholders. This will require a combination of strong political and managerial leadership. (A copy of a short list of books and articles on leadership and two recent academic articles on political astuteness is attached at appendix B – provided by the NPIA.)

### **Managerial leadership**

The chief executive brings together the necessary skills, knowledge and expertise to provide the managerial leadership for the OPCC. While the chief executive is required to perform traditional policy, administrative and managerial functions involving high levels of analytical skills, their role also requires the ability to achieve the trust and confidence of those they lead and with whom they work. These qualities include the capacity to think creatively and to empathise with others, and having an awareness of self and one's impact on others. Their role is also to co-ordinate, instruct, support, cajole and guide to bring the best out in others.

### **Political leadership**

Many of the challenges of being a chief executive in the public sector arise from working in a complex and political environment. In organisations where there are elected representatives, this involves providing leadership at the interface between management and politics.

Given the close working relationship between the chief executive and the PCC, it is essential that the chief executive is aware of, and is sensitive to, the political context in which the PCC is operating. PCCs may be members of recognised political parties, coming from a local or central government background. Equally, they may have no party political connections. Central to understanding political leadership is understanding the process by which elected representatives achieve the position they hold; how they build and their authority and legitimacy through the election process and how they develop and maintain that relationship with the electorate and the wider community.

While it is not the chief executive's job to intervene in the political relationships that the PCC has with his/her deputy and special advisers, where they exist, the PCC will rightly expect the chief executive to understand the context in which the PCC and

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their political advisers operate and to advise the PCC accordingly. It will be essential for all these individuals to have a good understanding of their respective roles and responsibilities and for there to be good communication between them.

### **The role of broker**

The political environment contains legitimately competing interests, opposing points of view and multiple accountabilities. The task of the elected PCC and chief executive is to control these different elements and to find the appropriate changing balance over time.

Key to providing community leadership in the political environment is the ability to deal with the strategic and tactical and to understand performance both in terms of step changes and quick wins. In considering the provision of services to the community, the PCC will bring their vision and strategic objectives for policing and crime, together with their convictions, values and beliefs. These need to be informed and supported by rational, well informed analysis. Community leadership needs that balance and it is the chief executive who needs to provide the overview and bring balance and coherence.

The chief executive needs to be able to understand what constitutes public value to a range of stakeholders, from a number of valid perspectives, including those of elected members, officers, partners and the public. Often their respective views will be in conflict, and the chief executive's role is to broker a way through that is acceptable to all parties, or at least to provide explanation to those whose views and expectations cannot be met. Through all of this, the chief executive's primary responsibility is to their PCC, working within the legislative and regulatory framework to achieve the PCC's desired outcomes.

### **A special relationship**

The role of the chief executive and PCC are closely linked but are not wholly discreet – they are overlapping and complementary, which brings its own set of tensions. It will be important for the PCC and chief executive to construct trust at a point where there will be tension and potential conflict between the different worlds of political logic and managerial logic. It is crucial that there is mutual understanding of each others' roles and perspectives, and this relies on good communications and a healthy, ongoing dialogue.

A PCC must be able to impart to their chief executive their understanding of the context and imperatives to which they are working. The chief executive needs, in a similar way, without eroding the loyalty owed to colleagues, to be able to discuss with the PCC their managerial capacity or incapacity to deliver on a particular

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agenda. This is not just about interpersonal skills but about mutual grasp of each other's worlds.

A wise chief executive commits to their PCC unconditionally, and understands this as including roles of confidant, mentor, partisan, speech writer and public relations consultant, behaving in ways that are consistent with agreed values and objectives. However, whilst the elected representative may be 'right all the time', this cannot be taken for granted, and on those rare occasions when they are not, part of the chief executive's role is to be brave and speak up.

The report by SOLACE "Leadership United: Managing in a Political Environment", published December 2005, whilst set within the local authority context, includes some useful information and advice on the role of the chief executive working in a political environment, which has relevance and read across to the PCC context.<sup>13</sup>

When the relationship between the PCC and their chief executive works well, they will form a strong team which is focused on and able to deliver positive outcomes for communities in policing and crime.

### **Leadership responsibilities**

The OPCC's leadership team will need to grapple with maximising service efficiencies and value for money, service rationing and difficult trade-offs between different groups of service users, as well as present and future benefits. The overarching long-term objective is to align financial planning and the available financial resources to the PCC's vision and strategic objectives.

On a day to day basis, the chief executive's key leadership responsibilities will include:

- providing effective leadership of the OPCC, maintaining focus on its purpose, vision and values through creative thinking, rigorous analysis and challenge;
- being a role model, providing energetic, determined, positive, robust and resilient leadership;
- sharing values, ideas and ethics and exemplifying high standards of conduct;
- being able to motivate others and inspire their confidence and respect;
- adopting a flexible leadership style - being able to consult, listen, include, contribute, plan, direct, delegate, organise, implement, collaborate, review challenge and support, as appropriate;
- building robust relationships, both internally and externally;
- working effectively with others with emotional intelligence, political awareness and sensitivity.

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<sup>13</sup> available in the special report section of the SOLACE website: <http://solace.org.uk/library.asp>

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Alongside all the outward facing commitments, someone also needs to have responsibility for, and care about, the whole office/team. This is the role of the chief executive. They must promote and encourage continuous improvement and development in the OPCC.

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**References**

**CIPFA** Statement on the Role of the Chief Finance Officer Police and Crime Commissioner and the Chief Finance Officer of the Chief Constable – due to be published in October 2012 (see footnote 8, page 11)

**SOLACE**

Statement on the Role of Chief Executive, published 7 October 2011

Leadership United: Managing in a Political Environment, December 2005 (available in the special report section of the SOLACE website: <http://solace.org.uk/library.asp>)