

POLICE & CRIME COMMISSIONER FOR LEICESTERSHIRE JOINT AUDIT, RISK & ASSURANCE PANEL

PAPER MARKED

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Report of	OFFICE OF POLICE AND CRIME COMMISSIONER
Subject	JARAP TERMS OF REFERENCE
Date	WEDNESDAY 26 MARCH 2014 – 2.00 P.M.
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Purpose of Report

1. This report presents the existing Terms of Reference for the Joint Assurance and Risk Panel (JARAP) for discussion.
2. Paragraph 9.3 of the current Corporate Governance Framework advises that the JARAP will review the terms of reference annually and this report has been prepared to enable the Panel to review.
3. Following the completion of the JARAP terms of reference in January 2013, it may be appropriate to review the Terms of Reference at this time to align to the first full year's operation of the JARAP and ensure alignment with the financial year and PCC's term of office and for the Panel to determine whether amendments or changes are required.

Recommendation

4. The Panel are recommended to discuss the Terms of Reference and consider and recommend changes required.

Terms of Reference – Elements for Consideration

5. To assist with these considerations, some elements of the Terms of Reference have been highlighted for further discussion or have been highlighted to reflect work undertaken in the year and for the Panel's consideration:
 - **Paragraph 2.1** - At the January 2014 meeting, Luke Pulford was appointed as Deputy Chair in line with the Terms of Reference.
 - **Paragraph 2.6 and Paragraph 9.4** – all members of the JARAP will be subject to an independent annual appraisal which will inform the member development programme, review of the JARAP and identify recommendations for change. The

OPCC and Force will work with the Chair and the Panel to take this forward and proposals brought to the May 2014 meeting.

- **Paragraph 4.2** – the allocation of secretariat support to the JARAP is currently under review between the Force and the OPCC.
- **Paragraph 6.5** – although meetings are held in public the TOR do provide the opportunity for items to be considered privately if required.
- **Paragraph 9.1** – as the JARAP has been operating for a full year, it seems timely that the OPCC and the Force work with the Chair to prepare a forward plan for the May 2014 meeting in line with the Terms of Reference which advise that a “reporting timetable will be prepared by the PCC and Chief Constable and agreed with the JARAP”.
- **Paragraph 9.2** – in line with other public sector bodies, an annual report should be produced in the name of the JARAP, timed to support finalisation of the accounts and the Annual Governance Statement and placed in the public domain. It is suggested that the OPCC and the force will work with the Chair to and the Panel to assist in its production.
- **Paragraph 11.1** – the Panel may wish to review the list of standard agenda items and consider whether any changes are required. One area not covered at present by the standing items is the agenda item and/or the report on governance matters arising (or no governance matters arising). Other public bodies have a standing item labelled Fraud and Corruption and Governance Compliance which is usually a verbal item unless there are issues to bring to the Panel's attention. The Panel are invited to consider whether they feel this would be appropriate.

This agenda is supplemented by specific reports from the forward plan or requested by members.

Implications

Financial:	There are no financial implications associated with this report.
Legal:	There are no legal implications associated with this report.
Equality Impact Assessment:	There are no equality issues associated with this report.
Risks and Impact:	The impact of managing Risk is covered within the Terms of Reference of the JARAP.
Link to Police and Crime Plan:	The JARAP provides assurance on the work of the PCC and the Force which align to the plan.

List of Appendices

Appendix: JARAP Terms of Reference

Background Papers

None.

Person to Contact

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**TERMS OF REFERENCE FOR
JOINT AUDIT, RISK & ASSURANCE PANEL
POLICE & CRIME COMMISSIONER AND CHIEF CONSTABLE**

1. INTRODUCTION

- 1.1 In line with the principles of good governance as laid down by the Chartered Institute of Public Finance & Accountancy (CIPFA) and the Financial Management Code of Practice for the Police Service of England and Wales, this independent Joint Audit, Risk & Assurance Panel (JARAP) has been established, covering the separate roles and offices of both the Police & Crime Commissioner (PCC) and the Chief Constable.
- 1.2 The Office of PCC and Chief Constable are intrinsically linked by the priorities of the Police & Crime Plan and therefore it is in the best interests of the public, value for money and probity that a Joint Audit, Risk & Assurance Panel (JARAP) is established.
- 1.3 The purpose of the JARAP as an independent body is to seek assurance over the adequacy of the following:
- The risk management and the internal control framework operated by the PCC and Chief Constable.
 - The effectiveness of their respective governance arrangements.
 - The appointment, support and quality of the work of internal and external auditors as they provide assurance on risk management, internal controls and the annual accounts through their work.
 - Financial and non-financial performance to the extent that it affects the PCC and Chief Constable's exposure to risk, weakens the control environment and undermines their ability to provide good value for money.
 - The financial reporting process.
- 1.4 The JARAP is a non-executive Panel and has no executive powers, other than those specifically delegated in these Terms of Reference.
- 1.5 The JARAP will establish effective communication with the PCC and Chief Constable, their nominated representatives, their respective Chief Finance Officers, Monitoring Officer, Head of Internal Audit, the External Auditor and other relevant stakeholders, including the Police and Crime Panel, for the purpose of fulfilling these terms of reference. A working protocol will be established to ensure that this is achieved by all parties.

2. MEMBERSHIP

- 2.1 The JARAP will have a Chair, a deputy chair and three other members, all of whom must be independent of the PCC, the Chief Constable and the Police and Crime Panel.
- 2.2 Members of the JARAP shall be recruited by the JARAP Chair on application and through open competition, in conjunction with the Police and Crime Commissioner and Chief Constable or their representatives. They shall be recruited to ensure that the JARAP has all the necessary skills and experience to fulfil its terms of reference, in accordance with the job description for JARAP members. To ensure the independence of the JARAP, members shall not be:
- A standing or ex-PCC or Chief Constable.
 - A member or ex-member of a Police and Crime Panel.
 - Serving police officers or have served as a police officer within the last 8 years.
 - Currently serving staff of Leicestershire Police or Office of the Police and Crime Commissioner.
 - Elected or ex-local government councillors or those active in local or national politics.
 - Currently serving officers of any county, city, borough or district councils within the force area.
 - Individuals who have significant business or personal dealings with the Office of the Police and Crime Commissioner or Force.
 - Individuals who have close relationships with any of the above including immediate family members and as such may not have the requisite level of independence required for JARAP membership.
 - Individuals removed from a trusteeship of a charity.
 - Individuals under a disqualification order under the Company Directors Disqualification Act.
 - A person who has been adjudged a bankrupt, or made a composition or arrangement with his creditors.
 - Convicted in the UK, Channel Islands or the Isle of Man of any offence and has had passed on a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine, within the last five years prior to their appointment.
- 2.3 The Chair of the JARAP will be jointly recruited by the PCC and the Chief Constable and will serve for one term in this role as Chair.
- 2.4 All JARAP Members will serve for a maximum of 2 terms, each term being a maximum of 4 years. To ensure continuity, where possible, members shall be rotated on and off the JARAP in turn rather than as a group, therefore the term of membership for the JARAP will be determined on recruitment of the member.
- 2.5 The deputy Chair is selected by a vote by members of the JARAP. The deputy will serve for one term only in this role. The deputy Chair will act as Chair at meetings in the absence of the Chair. If the Chair can no longer continue in this role, the deputy Chair will act as the Chair until the formal appointment of a new Chair. The deputy Chair will not automatically become the new Chair,

although may apply for the post of Chair as part of the recruitment and replacement process run by the PCC and Chief Constable.

- 2.6 All members of the JARAP will be subject to an independent annual appraisal, the outcomes will inform the member development programme. See paragraph 9.4 of these terms of reference.
- 2.7 On joining the JARAP, each member must attend an induction training course to help them understand the roles of the PCC and the Chief Constable, the Police and Crime Panel and the organisations pertaining to the PCC and Chief Constable. Further training on specific relevant topics will be provided as necessary, according to the members' own relevant experience and emerging business needs of the JARAP. Members of the JARAP will be expected to attend all such training and to develop their skills as part of a member development programme. Training needs will be considered during the annual appraisal process and a training & development programme established both for the JARAP and its individual members as appropriate.
- 2.8 In accordance with the JARAP members code of conduct, each member will be required to record any conflicts of interest in the register of pecuniary and non-pecuniary interests. In addition, JARAP members will be required to disclose any such interests at the commencement of any meeting where there is a need to do so due to the nature of the JARAP agenda, or immediately if they arise unexpectedly in discussion.

3. RIGHTS

- 3.1 Only members of the JARAP have the right to vote on matters.
- 3.2 The members of the JARAP will be remunerated and reimbursed for all expenses incurred in the fulfilment of their JARAP duties, roles and responsibilities in accordance with the schedule of allowances and expenses agreed by the PCC and Chief Constable.

4. SUPPORT

- 4.1 The Chair, in conjunction with the PCC and Chief Constable has particular responsibility for ensuring that the work of the JARAP is appropriately resourced, including appropriate secretariat support and any other specialist support necessary to ensure its members are effective in their role. The JARAP Chair has a duty to report any shortfall in the level of support to the PCC and Chief Constable in the first instance and in a public report if this is not remedied.
- 4.2 The allocation of secretariat support to the JARAP and its funding will be agreed between the PCC and Chief Constable. This will include ensuring that best practice as contained in relevant good governance codes and protocols are upheld so that the JARAP is effective and the members' independence is maintained.
- 4.3 The JARAP may with reasonable justification and with joint approval by the respective Chief Finance Officers of the PCC and Chief Constable procure specialist ad-hoc advice e.g. legal, to obtain additional skills, knowledge and experience at the expense of the PCC and Chief Constable to support the JARAP in the achievement of its terms of reference. This will be considered

appropriate where specialist advice is not available within the existing JARAP support arrangements or it is not considered appropriate to use this support.

5. FREQUENCY AND NOTICE OF MEETINGS

- 5.1 The JARAP will meet at least five times a year. The calendar of meetings shall be agreed at the start of each year. One meeting shall be dedicated to the scrutiny and pre-approval of the statement of accounts of the PCC and Chief Constable before submission to external audit.
- 5.2 Further meetings outside of the normal cycle of the JARAP can be convened at the request of the JARAP Chair or any of its members, subject to agreement by the Chair.
- 5.3 The PCC and or CC may ask the JARAP to convene further meetings to discuss particular issues on which they want the JARAP's advice.
- 5.4 Meetings can be requested by the external or internal auditors where this is considered necessary and on agreement of the JARAP Chair.
- 5.5 Unless otherwise agreed, formal notice of each meeting confirming the venue, time and date together with the agenda of items to be discussed, will be forwarded to each member of the JARAP, any other person required to attend and all other appropriate persons determined by the Chair, no later than five working days before the date of the meeting.
- 5.6 Any meetings held outside the normal cycle of meetings should be convened with a minimum notice of five working days. Extraordinary or urgent meetings may be held with less notice but should be for exceptional matters only, subject to the Chair's agreement and quorum requirements. In this case the agenda and any supporting papers will be sent to the JARAP members and to other attendees at the same time as the meeting notice is sent out, recognising that if the matter is so urgent that there may only be an oral report. If this is the case then this will be identified on the agenda.

6. ATTENDANCE AT MEETINGS

- 6.1 Members of the JARAP are expected to attend all meetings. If two or more meetings are missed in a year, this will be discussed as part of the annual appraisal, see 9.3. Regular non-attendance of JARAP members will lead to their removal as a member of the JARAP on agreement by the Chair.
- 6.2 The PCC and Chief Constable, will attend all meetings of the JARAP, or ensure that they are suitably and appropriately represented, therefore ensuring that the purpose of the JARAP is not compromised and that the members are able to appropriately fulfil their responsibilities. In addition, the Police Reform and Social Responsibility Act 2011, Section 114 of the Local Government Finance Act 1988 and the Audit and Accounts Regulations 2011 assign a number of statutory responsibilities to each of the Chief Finance Officers of the PCC and Chief Constable. Given the nature of these responsibilities it is expected that both the Chief Finance Officers of the PCC and the Chief Constable will attend all meetings of the JARAP, or where this is not possible then their nominated representatives.

- 6.3 The Head of Internal Audit and representatives of the external auditor will be invited to attend meetings on a regular basis. The JARAP should meet with the Head of Internal Audit and representatives of the external auditor separately and privately at least once a year.
- 6.4 A minimum of three members of the JARAP must be present for the meeting to be deemed quorate, one of whom must be either the Chair or deputy Chair.
- 6.5 JARAP meetings will be held in public with the matters discussed being placed in the public domain. Where items are considered commercially sensitive or contain issues which are deemed confidential or relate to a member of staff the JARAP may sit privately, that is, excluding members of the public or press, and will record their reasons for this decision in the public domain.
- 6.6 The JARAP may hold private informal meetings e.g. for briefing and training purposes without any non-members present if they so decide. Formal decisions cannot be taken at such meetings.

7. ACCESS

- 7.1 The Chief Finance Officers, the Monitoring Officer, Head of Internal Audit and the representative of external auditor of the PCC and Chief Constable will have free and confidential access to the Chair of the JARAP.

8. MINUTES OF MEETINGS

- 8.1 The secretary of the JARAP will record the names of those present at the meeting, write minutes, including the key points and decisions of all JARAP meetings, along with any actions stemming from discussion that need to be taken before the next meeting. The minutes of the previous meeting must be approved by the JARAP and signed by the chair as a true record at each meeting.
- 8.2 The secretary of the JARAP will establish, at the beginning of each meeting, the existence of any conflicts of interest and minute them accordingly, see also paragraph 2.8 of these terms of reference.
- 8.3 The unsigned and unapproved minutes of the most recent JARAP meeting will be circulated promptly and no later than ten working days after the meeting to all members of the JARAP, to the PCC and the Chief Constable along with their nominated representative at the JARAP, the Chief Finance Officers of the PCC and Chief Constable and to the internal and external auditors, once they have been approved by the Chair or deputy Chair in the Chair's absence.
- 8.4 The minutes of the JARAP will be placed in the public domain as soon as these have been approved and signed by the Chair, with exclusion to any matter deemed private and confidential, as per paragraph 6.5 of these terms of reference.

9. REPORTING

- 9.1 To ensure relevant and timely reporting throughout the year to the JARAP a reporting time table will be prepared by the PCC and Chief Constable and

agreed with the JARAP. This will be designed to enable the JARAP to fulfil its responsibilities and receive the assurances it will seek.

- 9.2 The Chair of the JARAP will provide the PCC and Chief Constable with an Annual Report in the name of the JARAP, timed to support finalisation of the accounts and the Annual Governance Statement, summarising its conclusions from the work it has done during the year and drawing attention to any significant or emerging issues as appropriate. This report will be placed in the public domain following its discussion with the PCC and Chief Constable along with their responses to the Chair's Annual Report. The Chair will be responsible for dealing with any public or media questions relating to that report.
- 9.3 The JARAP will, having regard to best governance practice, review these terms of reference annually and make any changes deemed necessary in consultation with the PCC and Chief Constable.
- 9.4 The JARAP will annually review its own performance to ensure it is fulfilling its terms of reference and operating effectively. In doing so it will make any recommendations for change to the PCC and Chief Constable. This annual review of performance will include an individual appraisal of all members of the JARAP, including the Chair. The performance review of the JARAP and its members will be commissioned and undertaken independently.

10. RESPONSIBILITIES

10.1 Risk Management, Governance and internal control responsibilities

The JARAP will seek assurance in connection with the following:

10.1.1 The establishment and maintenance of an effective system of risk management, integrated governance and internal control, across the whole of the PCC and Chief Constable activities that supports the achievement of the objectives of the Police and Crime plan, ensuring probity, value for money and good governance.

10.1.2 The timely implementation of any actions necessary to ensure compliance with all internal standards and best practice, both financial and non-financial operated by the PCC and Chief Constable.

10.1.3 The adequacy of relevant disclosure statements, in particular the Annual Governance Statement, together with any accompanying Head of Internal Audit report, external audit opinion, risk register or other appropriate independent assurances, prior to endorsement by the PCC and / or the Chief Constable. Subject to this the JARAP will recommend for adoption the Annual Governance Statements for the PCC and Chief Constable.

10.1.4 The adequacy of arrangements for ensuring compliance with relevant regulatory, legal and code of conduct requirements and fraud and corruption as set out in Secretary of State Directives and other relevant bodies or professional standards.

10.1.5 Notwithstanding the specific responsibilities of the JARAP in connection with both internal and external audit, consider the adequacy of response by the PCC

and / or the Chief Constable to recommendations contained within any external inspection report that has been received for the purposes of assurance.

10.2 Internal audit responsibilities

It is anticipated that the PCC and Chief Constable will engage the same internal auditors. The role of the JARAP in relation to internal audit will include advising the PCC and Chief Constable on the following:

- 10.2.1 Consider and make recommendations on the provision of internal auditors, including appointment, assessment of performance and dismissal.
- 10.2.2 Approving but not directing on the internal audit strategy and annual internal audit plan, ensuring that this :
 - is consistent with professional standards;
 - meets the audit needs of PCC and Chief Constable; and
 - provides the JARAP with adequate coverage for the purpose of obtaining appropriate levels of assurance over the adequacy of the risk management, governance and internal control environment of both the PCC and Chief Constable.
- 10.2.3 Consider the Head of Internal Audit's annual report and opinion, and a summary of audit activity (actual and proposed) and the level of assurance it gives over the risk management, internal controls and governance arrangements of the PCC and Chief Constable.
- 10.2.4 Consider the findings of internal audit reports (or their summaries), the assurance provided and the adequacy of the response by the PCC and / or Chief Constable.
- 10.2.5 Commissioning additional work from the internal auditor, having regard to any actual or potential conflicts of interest.
- 10.2.6 Ensuring co-ordination between the internal and external auditors to optimise audit resources.
- 10.2.7 Annually review the effectiveness of internal audit.
- 10.2.8 Where the JARAP considers there is evidence of ultra vires transactions, evidence of improper acts, or if there are other important matters that the JARAP wishes to raise, the Chair of the JARAP must initially take advice from the Monitoring Officer before raising the matter with the PCC and Chief Constable. Where appropriate the JARAP may then seek independent legal advice. Exceptionally, the matter may need to be referred directly to the external auditor, HMIC and / or the Home Office e.g. fraud suspicion directly involving the PCC or Chief Constable.

10.3 External audit responsibilities

It is anticipated that the PCC and Chief Constable will engage the same external auditors. The role of the JARAP in relation to external audit will include advising the PCC and Chief Constable on the following:

- 10.3.1 Consider and make recommendations on the provision of external auditors, including appointment and dismissal in conjunction with the Audit Commission who are currently responsible for the appointment of external auditors in England to bodies subject to audit under the Audit Commission Act 1998.
- 10.3.2 Review, advise on and endorse the external audit strategy and annual audit plan, ensuring that this is consistent with professional standards and the External Audit Code of Audit Practice.
- 10.3.3 Consider the external auditor's annual letter, relevant reports and the report to those charged with governance.
- 10.3.4 Consider specific reports as agreed with the external auditor.
- 10.3.5 Commissioning work from the external auditor, having regard to any actual or potential conflicts of interest.
- 10.3.6 Consider major findings of external audit work and the adequacy of response of the PCC and / or Chief Constable
- 10.3.7 Ensuring co-ordination between the internal and external auditors to optimise audit resources.
- 10.3.8 Annually review the effectiveness of external audit.

10.4 Annual Accounts of the PCC and Chief Constable

The JARAP will:

- 10.4.1 Review, scrutinise and recommend for signature the annual statement of accounts prior to their external audit. Specifically, it will seek assurances whether appropriate accounting policies have been followed and whether there are any concerns arising from the financial statements.
- 10.4.2 Consider the external auditor's report to those charged with governance on issues arising from the audit of accounts.

11. INFORMATION REQUIREMENT

- 11.1 For each meeting the JARAP will normally be provided with the following:
- A report summarising any significant changes to the PCC and Chief Constable risk and controls profile and any action planned in response.
 - A report on any governance matters arising or a note that no governance matters have arisen since the last meeting and any action planned in response.
 - A progress report from the head of internal audit summarising:
 - Work performed and a comparison with work planned
 - Key issues emerging from internal audit work
 - Management response to audit recommendations
 - Changes to the periodic plan

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Commissioner and Chief Constable*

- Any resourcing issues affecting the delivery of internal audit objectives
- A progress report from the external audit representative summarising work done and emerging findings.
- A summary report of actions being tracked and progress made in connection with their implementation on significant risk, governance and internal controls matters. Thereby providing for an on-going process of follow-up.