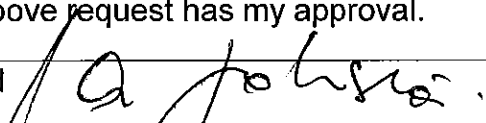


<b>Police and Crime Commissioner for Gwent Decision</b>	
PCCG-2014-026	Police and Crime Commissioner for Gwent Decision Session
Subject	Joint Oversight of Collaborative Arrangements – Adoption of Memorandum of Understanding (MoU).
Summary	To record the decision of the Police and Crime Commissioner regarding the adoption of the MoU in relation to collaborative arrangements.

## **DECISION**

1. The Police Reform and Social Responsibility Act 2011 (PR&SRA) makes a number of amendments to the Police Act 1996, placing statutory responsibilities on Police and Crime Commissioners (Commissioners) in respect of collaboration; this includes establishing joint oversight measures of collaborative arrangements.
2. Section 23D of the PR&SRA 2011 also states that Commissioners must hold their Chief Constables to account for acting under the terms of the collaborative agreement.
3. In order to address these responsibilities, it was agreed at the All Wales Policing Group held on the 26<sup>th</sup> and 27<sup>th</sup> March 2014, that a joint MoU would be adopted to establish scrutiny arrangements that would apply to all existing and also any new collaborative agreements.
4. I can confirm that I am satisfied with the scrutiny arrangements for collaborative agreements established in the attached MoU.

<b>Ian Johnston QPM, Police and Crime Commissioner for Gwent</b>	
I confirm I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with my code of conduct. Any such interests are recorded below.	
The above request has my approval.	
Signed 	Date 14.4.14

<b>Contact Officer</b>	
Name	Shelley Bosson
Position	Chief Executive
Telephone	01633 642200
Email	<a href="mailto:Shelley.bosson@gwent.pnn.police.uk">Shelley.bosson@gwent.pnn.police.uk</a>
<b>Background papers</b>	Joint Oversight Memorandum of Understanding.

## Joint Oversight Memorandum of Understanding

### **Introduction:**

The Police Reform and Responsibility Act 2011 (PR&SA) makes a number of amendments to the Police Act 1996, placing statutory responsibilities on Police and Crime Commissioners (Commissioners) in respect of collaboration. This includes establishing joint oversight arrangements of collaborative arrangements. Section 23D of the PR&SR Act states that Commissioners must hold their Chief Constables (CCs) to account for acting under the terms of the collaboration agreement, i.e. where Force A provides a policing service for Forces A and B, the Commissioner of Force A must hold the CC of Force A to account for the delivery of that service in both policing areas. The Commissioner from Force B must ensure that suitable arrangements are in place for them to participate in the joint oversight of its delivery and assure themselves that the CC is appropriately held to account for the collaborative services being provided. The governance process is outlined in Appendix A.

It should be noted that a joint oversight arrangement will not negate the requirement for a CC to be answerable to their own Commissioner for the discharge of functions by police officers and staff acting under their direction and employment.

### **Purpose of the Memorandum of Understanding (MoU):**

The aim of this MoU is to set out the terms under which joint oversight of police collaborations agreements will be achieved within Wales. Its focus is restricted to collaboration between constabularies.

The aim of the MoU is to set out how Commissioners and CCs can:

- sign up to new collaboration agreements or make amendments to existing agreements;
- keep collaborative opportunities under review (to include the setting and review of milestones to allow all parties to consider their on-going participation within each agreement);
- sign off the strategic aims, priorities and plans of agreements;
- participate in joint oversight of collaboration agreements in instances where their own CC is not directly responsible for the delivery of the service agreement itself;
- be consulted on decisions that fall under the direction and control of another Commissioner or CC;
- evidence accountability and transparency of collaboration agreements to their local communities;
- discuss Welsh issues with the Welsh Government, the Home Office, Ministry of Justice or other appropriate bodies.

### **Accountability and Governance:**

The All Wales Policing Group consisting of the four Commissioners and CCs in Wales will be used as the forum to apply joint oversight arrangements. In accordance with an agreed programme the meeting agenda will cover joint oversight. Scrutiny will ordinarily follow a structured programme but Commissioners may, at any time, request additional items for discussion. The programme will oversee and scrutinise each collaboration agreement.

In addition to this, a Lead Chief of Staff / Chief Executive will attend the meeting as the main adviser. Additional relevant personnel will be invited to attend each oversight meeting. A minute taker will also be in attendance at each meeting.

The forum will not vote. Rather, it will facilitate joint scrutiny of existing local arrangements and enable Commissioners and CCs to explore new areas of potential.

A laminate model to joint oversight scrutiny will be applied, thereby involving only those Commissioners and CCs that are party to the collaboration agreement under scrutiny. The meeting should therefore commence with discussion of arrangements that fall under a four force model, and conclude with discussions that are based on a two force model. Appropriate personnel should vacate the meeting at the appropriate juncture.

**Arrangements for oversight and scrutiny:**

In accordance with an agreed programme the All Wales Policing Group should:

- Receive detailed updates against all collaboration agreements at pre-agreed intervals (as detailed in the Forward Work Programme for the Group, which will be maintained by a lead Chief Executive/Chief of Staff).
- Focus on a number of predetermined collaboration agreements at specific meetings (as detailed on the Forward Work Programme for the Group).
- Receive exceptional reports for each collaboration agreement.

The scrutiny applied to a collaboration agreement will cover:

- Contributions made by each Commissioner in terms of finance and resources.
- Its performance outcomes.
- Total funding received (i.e. detailing sources of funding received other than from local policing bodies).
- How the funding is being used.
- Its aims, priorities and plans.
- Its current budget and spend.
- How it is meeting national, regional and local risks.
- If and how it contributes to the Strategic Policing Requirement (including any gaps / risks faced).
- Reports that assess the efficiency or effectiveness of the agreement / project.
- Future developments / opportunities.

**Responsibilities:**

The collaboration agreement itself will identify the Force under which responsibility for direction and control sits.

It will be the responsibility of each Commissioner to monitor and scrutinise the efficiency and effectiveness of each collaboration agreement with its own CC. This will include the spend of the collaboration agreement. In instances where projected overspend exceeds the approved annual budget, a submission should be made to the All Wales Policing Group to approve the over spend or seek remedial action prior to it being incurred.

**Publication:**

Minutes of each joint oversight meeting should be made available via Commissioner websites within 10 working days of each meeting, giving transparency to governance arrangements. Restricted or sensitive information will be redacted from the publication. Decisions relating to the public release of information will be made in accordance with legislation.

The Lead Chief of Staff / Chief Executive will be responsible for the compilation and maintenance of records relating to the All Wales Policing Board. This will include the compilation of meeting agendas, papers and minutes.

Matters discussed at the forum which have operational sensitivity, relate to personal information or have commercial sensitivity will either be made public at an appropriate time in the future or be retained by the Lead Chief of Staff / Chief Executive.

Collaboration reports will be provided by each CC to the relevant Commissioner in advance of the meeting.

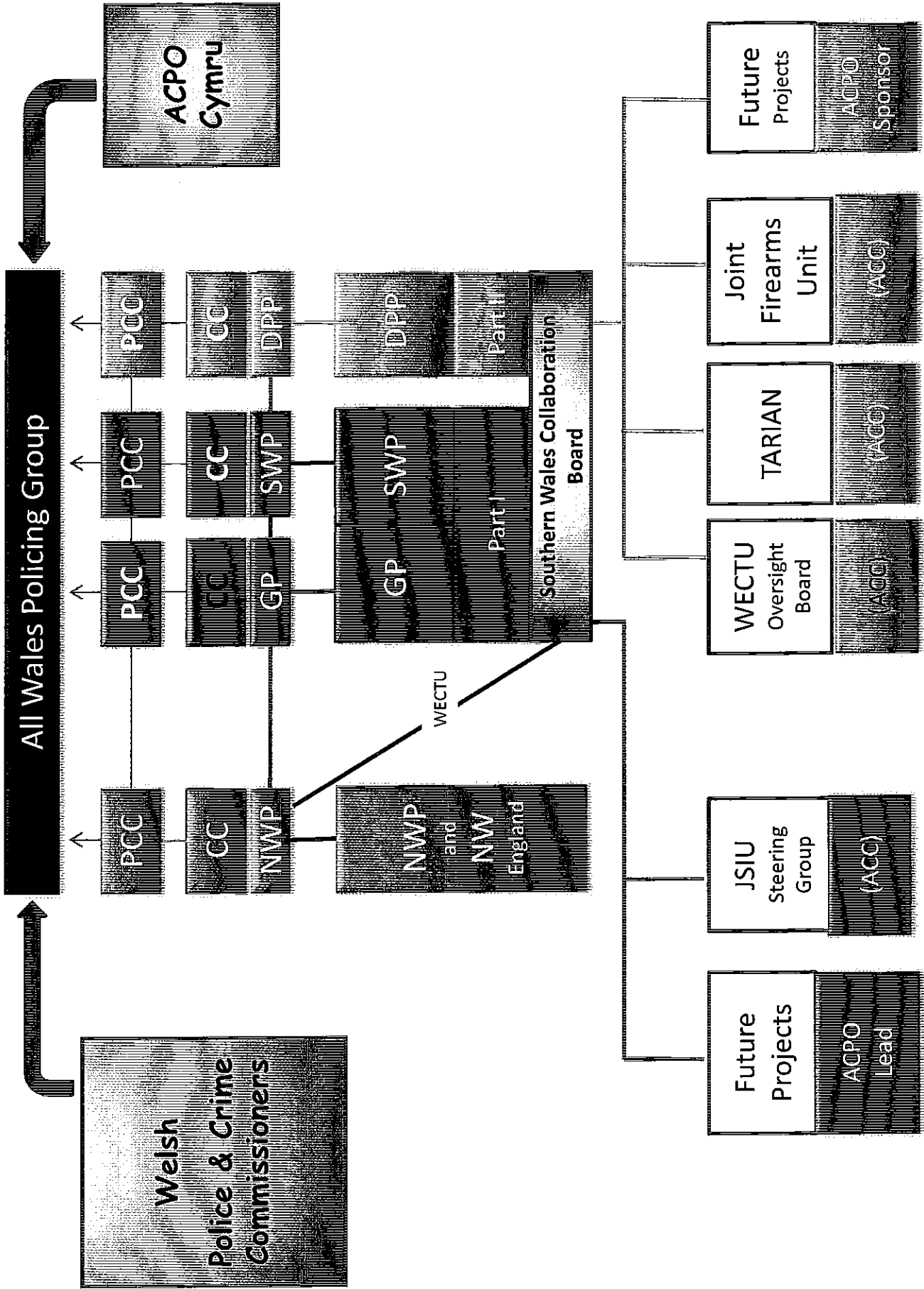
A forward work programme will be established to allow for effective planning and reporting. Papers submitted to the forum must be presented in the format template (Appendix B).

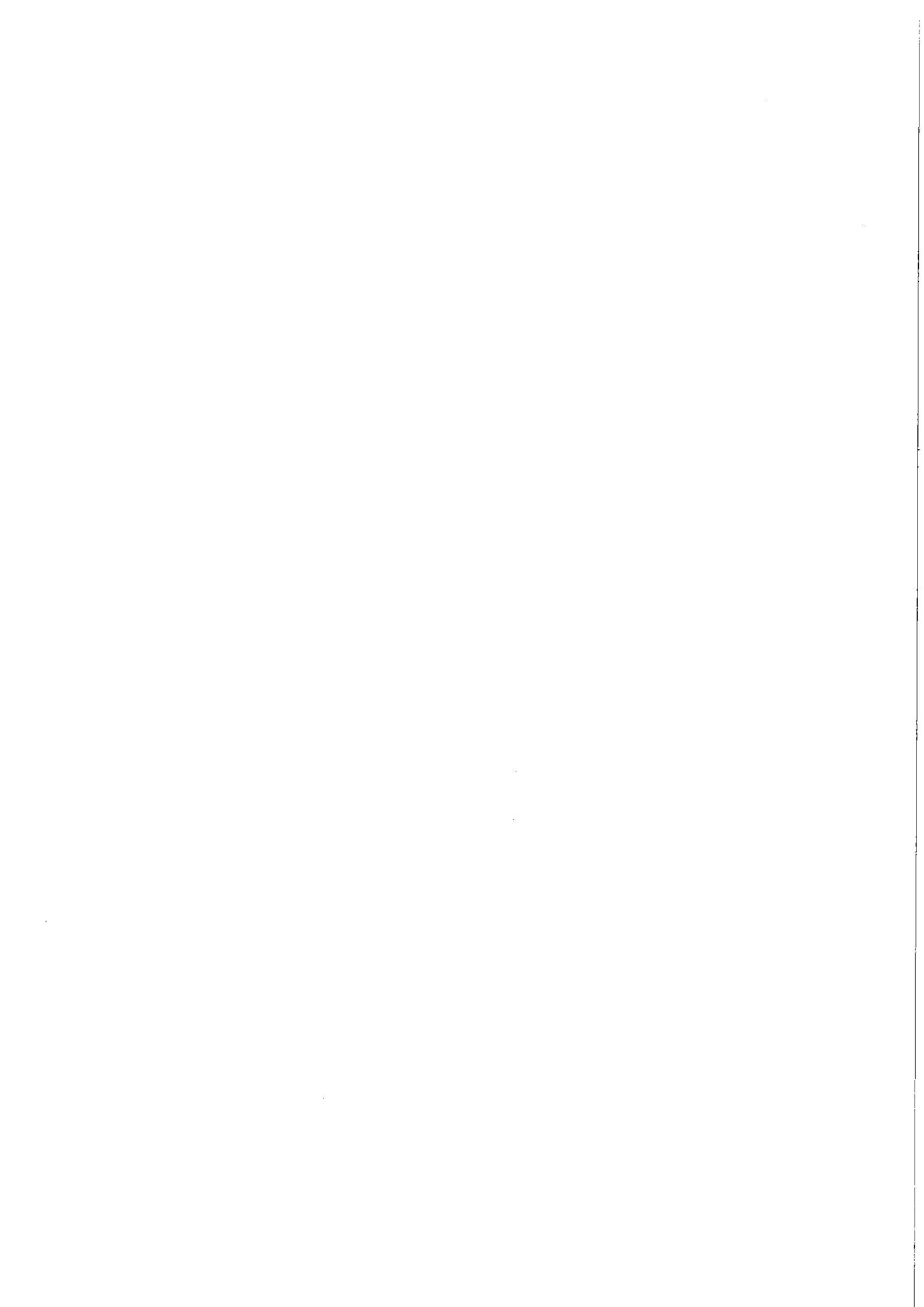
Section 23E of the Police Act 1996 requires governance arrangements of collaboration agreements to be published alongside the agreements themselves. Each Commissioner should make arrangements for publishing this MoU to meet their statutory duties.

**Review:**

This arrangement will be reviewed by the All Wales Policing Board at least annually from the anniversary of its commencement which is effective from 26<sup>th</sup> March 2014.









## Memorandwm o Ddealltwriaeth Cyd Oruchwyllo

### Cyflwyniad:

Mae Deddf Diwygio'r Heddlu a Chyfrifoldeb Cymdeithasol 2011 (Y Ddeddf) yn gwneud nifer o newidiadau i Ddeddf yr Heddlu 1996, gan osod cyfrifoldebau statudol ar Gomisiynwyr Heddlu a Throsedd (Y Comisiynwyr) mewn perthynas â chydweithio. Mae hyn yn cynnwys sefydlu trefniadau ar y cyd i oruchwyllo trefniadau cydweithio. Mae Adran 23D o'r Ddeddf yn nodi bod yn rhaid i Gomisiynwyr ddal eu Prif Gwnstablaid yn atebol am weithredu yn unol ag amodau'r cytundeb cydweithio h.y. lle mae Heddlu A yn darparu gwasanaeth plismona i Heddluoedd A a B, rhaid i Gomisiynydd Heddlu A ddal Prif Gwnstabl Heddlu A yn atebol am ddarpariaeth y gwasanaeth hwnnw yn y ddwy ardal blismona. Rhaid i Gomisiynydd Ardal B sicrhau bod trefniadau yn eu lle iddynt allu cymryd rhan yn y gwaith o gyd oruchwyllo ei ddarpariaeth a sicrhau eu hunain bod y Prif Gwnstabl yn cael ei ddal yn atebol mewn modd priodol am y gwasanaethau a ddarperir. Mae'r broses llywodraethu wedi'i hamlinellu yn Atodiad A.

Dylid nodi na fydd trefniant cyd oruchwyllo yn diddymu'r angen i Brif Gwnstabl fod yn atebol i'r Comisiynydd eu hunain am unrhyw swyddogaethau a gyflawnir gan Swyddogion Heddlu a staff sy'n gweithredu o dan eu gorchmynion a'u cyflogaeth.

### Diben y Memorandwm o Ddealltwriaeth (MoDd)

Nod y MoDd yw nodi'r amodau y bydd cyd oruchwylloeth o gytundebau cydweithio'r heddlu yn cael ei gyflawni yng Nghymru. Mae ei ffocws wedi'i gyfyngu i gydweithio rhwng Heddluoedd.

Nod y MoDd yw nodi sut y gall Comisiynwyr a Phrif Gwnstablaid:

- sefydlu cytundebau cydweithio newydd neu wneud addasiadau i gytundebau presennol
- parhau i adolygu cyfleoedd i gydweithio (i gynnwys gosod ac adolygu cerrig milltir newydd er mwyn galluogi pob parti i ystyried eu cyfraniad parhaus i bob cytundeb);
- cymeradwyo'r nodau strategol, blaenoriaethau a chynlluniau cytundebau;
- cymryd rhan mewn cyd oruchwylloeth o gytundebau cydweithio mewn sefyllfaoedd ble nad yw Prif Gwnstablaid eu hunain yn gyfrifol yn uniongyrchol am ddarpariaeth y cytundeb gwasanaeth ei hun;
- cael eu hymgyngori â nhw ar benderfyniadau sy'n dod o dan gyfrifoldeb a rheolaeth Comisiynydd neu Brif Gwnstabl arall.
- dangos tystiolaeth o atebolrwydd a thryloywder trefniadau cydweithio i'w cymunedau lleol;
- trafod materion Cymreig â Llywodraeth Cymru, y Swyddfa Gartref, y Weinyddiaeth Gyfiawnder neu gyrff priodol eraill.

### Atebolrwydd a Llywodraethu:

Bydd y Grŵp Plismona Cymru Gyfan sy'n cynnwys y pedwar Comisiynydd Heddlu a Throsedd yng Nghymru yn cael ei ddefnyddio fel y fforwm ar gyfer gweithredu trefniadau cyd oruchwyllo. Yn unol â rhaglen a gytunir arni bydd agenda'r cyfarfod yn cynnwys cyd oruchwyllo. Bydd craffu fel arfer yn dilyn rhaglen strwythuredig ond gallai Comisiynwyr, ar unrhyw adeg, ofyn am gael trafod eitemau ychwanegol. Bydd y rhaglen yn goruchwyllo ac yn craffu ar bob cytundeb cydweithio.

Yn ychwanegol at hyn, bydd y Pennaeth Staff / Prif Weithredwr yn mynychu'r cyfarfod fel y prif gynghorydd. Bydd unigolion perthnasol eraill yn cael eu gwahodd i fynychu pob cyfarfod goruchwyllo. Bydd rhywun yn cymryd cofnodion ym mhob cyfarfod hefyd.

Ni fydd y fforwm yn pleidleisio. Yn hytrach, bydd yn hwyluso cyd graffu trefniadau lleol presennol ac yn galluogi Comisiynwyr a Phrif Gwnstablaid i chwilio am feysydd potensial newydd.

Bydd model haenog ar gyd oruchwylio yn cael ei weithredu, gan felly gynnwys dim ond y Comisiynwyr a'r Prif gwnstablaid hynny sy'n berthnasol i'r cytundeb cydweithio sy'n cael ei graffu arno. Fe ddylai'r cyfarfod felly ddechrau â thrafodaeth am drefniadau sy'n dod o dan fodel pedwar heddlu a dod i ben gyda thrafodaeth sy'n seiliedig ar fodel dau Heddlu. Fe ddylai'r unigolion perthnasol adael y cyfarfod ar yr adegau priodol.

#### **Trefniadau ar gyfer goruchwylio a chraffu:**

Yn unol â rhaglen a gytunir arni, fe ddylai'r Grŵp Plismona Cymru Gyfan:

- Gael diweddariadau manwl am yr holl gytundebau cydweithio ar adegau y cytunwyd arnynt ymlaen llaw (fel y nodir yn Rhaglen Blaengynllunio Gwaith y Grŵp, a fydd yn cael ei gynnal gan flaen Brif Weithredwr/Pennaeth Staff).
- Canolbwyntio ar nifer o drefniadau cydweithio a benderfynir arnynt ymlaen llaw mewn cyfarfodydd penodol (fel y nodir yn Rhaglen Blaengynllunio Gwaith y Grŵp).
- Derbynnu adroddiadau eithriadol ar gyfer pob cytundeb cydweithio.

Bydd y craffu a wneir ar gytundebau cydweithio yn cynnwys:

- Cyfraniadau a wneir gan bob Comisiynydd o ran cyllid ac adnoddau.
- Ei ganlyniadau perfformiad.
- Cyfanswm y cyllid a gafwyd (h.y. yn nodi ffynonellau arian a dderbyniwyd oni bai am gan gyrff plismona lleol).
- Sut mae'r arian yn cael ei ddefnyddio.
- Ei nodau, blaenoriaethau a chynlluniau
- Ei gyllideb a gwariant presennol.
- Sut mae'n bodloni risgiau cenedlaethol, rhanbarthol a lleol.
- Sut ac os yw'n cyfrannu at y Gofyniad Plismona Strategol (gan gynnwys unrhyw fylchau / risgiau a wynebdir).
- Adroddiadau sy'n asesu effeithiolrwydd neu effeithlonrwydd y cytundeb / prosiect.
- Datblygiadau / cyfleoedd ar gyfer y dyfodol.

#### **Cyfrifoldebau:**

Bydd y cytundeb cydweithio ei hun yn adnabod yr Heddlu y mae'r cyfrifoldeb am gyfeiriad a rheolaeth yn perthyn iddo.

Bydd yn gyfrifoldeb ar bob Comisiynydd i fonitro a chraffu ar effeithlonrwydd ac effeithiolrwydd pob cytundeb cydweithio gyda'i Brif Gwnstabl ei hun. Bydd hyn yn cynnwys gwariant y cytundeb cydweithio. Mewn sefyllfaoedd lle mae'r gorwariant arfaethedig yn fwy na'r gyllideb flynyddol a gymeradwyir, dylid cyflwyno hyn i'r Grŵp Plismona Cymru Gyfan er mwyn cael cymeradwyaeth i'r gorwariant neu i geisio camau adferol cyn iddo ddigwydd.

#### **Cyhoeddiadau:**

Fe ddylai cofnodion pob cyfarfod cyd oruchwylio fod ar gael drwy wefannau'r Comisiynwyr o fewn 10 diwrnod gwaith i bob cyfarfod gan roi tryloywder i drefniadau llywodraethu. Bydd gwybodaeth gyfyngedig neu sensitif yn cael ei thynnu o'r cyhoeddiad. Gwneir penderfyniadau mewn perthynas â datgan gwybodaeth i'r cyhoedd yn unol â deddfwriaeth.

Bydd y blaen Bennaeth Staff / Prif Weithredwr yn gyfrifol am gasglu a chynnal a chadw cofnodion sy'n berthnasol i'r Bwrdd Plismona Cymru Gyfan. Bydd hyn yn cynnwys casglu agendâu, papurau a chofnodion cyfarfodydd.

Bydd materion a drafodir yn y fforwm sy'n sensitif o ran materion gweithredol, sy'n ymwneud â gwybodaeth bersonol neu sydd â sensitifrwydd masnachol un ai'n cael eu cyhoeddi ar adeg priodol yn y dyfodol neu'n cael eu cadw gan y Blaen Bennaeth Staff /Prif Weithredwr.

Darperir adroddiadau cydweithio gan bob Prif Gwnstabl i'r Comisiynydd perthnasol cyn y cyfarfod.

Sefydli'r rhaglen blaengynllunio er mwyn galluogi cynllunio ac adrodd effeithiol. Rhaid i bapurau a gyflwynir i'r fforwm gael eu cyflwyno ar ffurf y templed (Atodiad B).

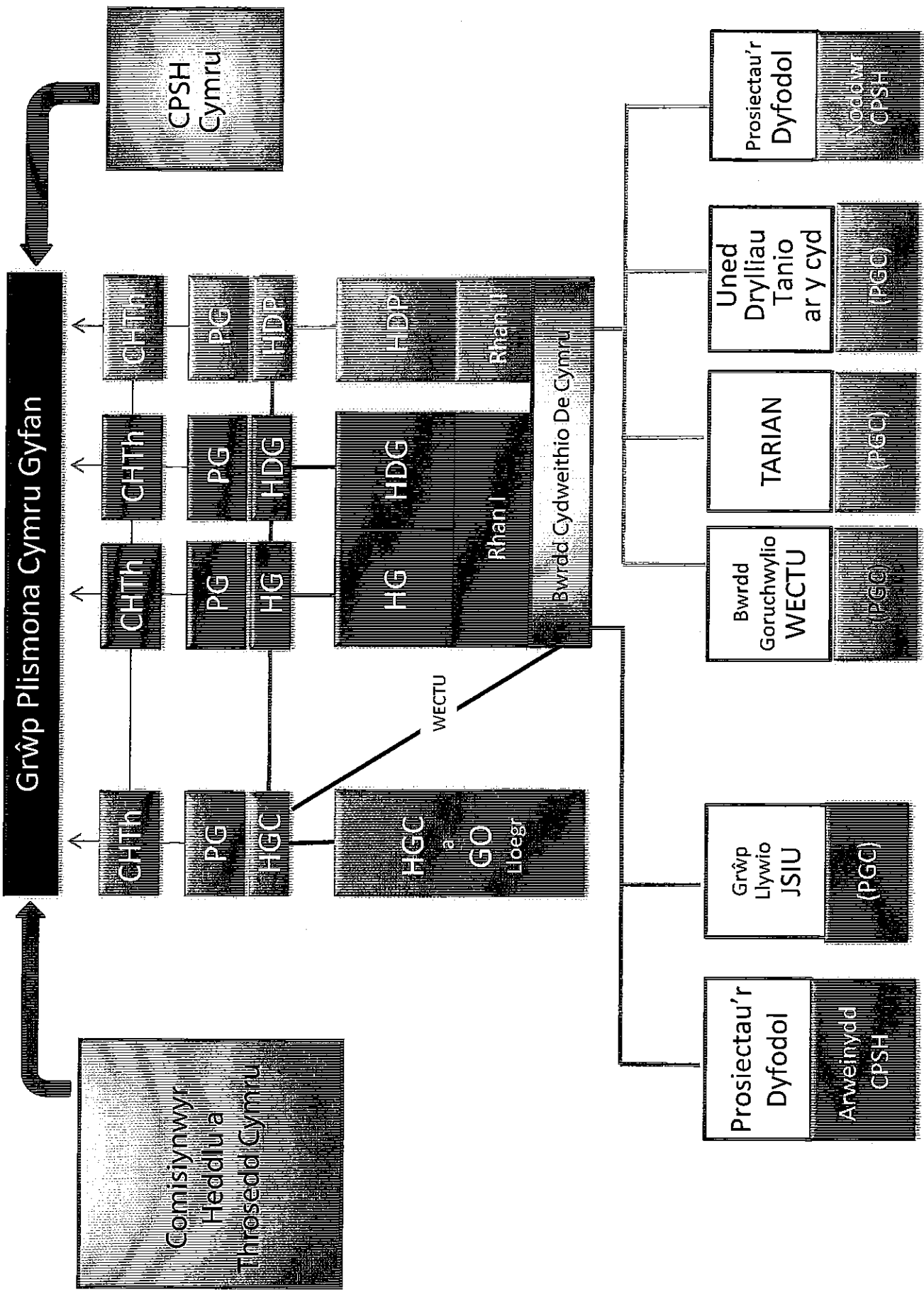
Mae Adran 23E o Ddeddf yr Heddlu 1996 yn nodi bod angen i drefniadau llywodraethu cytundebau cydweithio gael eu cyhoeddi ochr yn ochr â'r cytundebau eu hunain. Fe ddylai pob Comisiynydd wneud trefniadau i gyhoeddi'r MoDd hwn er mwyn bodloni eu dyletswyddau statudol.

**Adolygu:**

Bydd y trefniant hwn yn cael ei adolygu gan y Bwrdd Plismona Cymru Gyfan yn flynyddol o leiaf a hynny o ddyddiad ei gychwyn sy'n weithredol o 26 Mawrth 2014.







**Grŵp Plismona Cymru Gyfan**

Comisynwyr  
Heddlu a  
Thiroedd Cymru

CHTh

PG

HGC

HGC  
a  
GO  
Loegr

WECTU

CHTh

PG

HG

HG  
HDG

Rhan I

CHTh

PG

HDP

HDP

Rhan II

CPSH  
Cymru

Bwrdd Cydweithio De Cymru

Prosiectau'r  
Dyfodol

Arweinydd  
CPSH

Grŵp  
Llywio  
JSIU

(PGC)

Bwrdd  
Goruchwylio  
WECTU

(PGC)

TARIAN

(PGC)

Uned  
Drylliau  
Tanio  
ar y cyd

(PGC)

Prosiectau'r  
Dyfodol

Nodogwr  
CPSH

