

Norfolk Police and Crime Panel



Extraordinary meeting

Date: **12 March 2015**

Time: **10am**

Venue: **Edwards Room, County Hall, Norwich**

**** A pre-meeting has been arranged for Panel Members at 9.00am in Mezzanine 1.**

Persons attending the meeting are requested to turn off mobile phones.

Membership

Main Member	Substitute Member	Representing
Mr William Richmond	Mr Mark Robinson	Breckland District Council
Mr Ian Graham	Mr Roger Foulger	Broadland District Council
Mr Trevor Wainwright	Mr Brian Walker	Great Yarmouth Borough Council
Mr Brian Long	Mrs Elizabeth Nockolds	King's Lynn and West Norfolk Council
Mr Alec Byrne	Michael Chenery of Horsburgh	Norfolk County Council
Mr David Harrison	Mr James Joyce	Norfolk County Council
Mr Fred Agnew	Mr Colin Aldred	Norfolk County Council
Mr Richard Shepherd	Mr Roy Reynolds	North Norfolk District Council
Mr Keith Driver	Mr Alan Waters	Norwich City Council
Dr Christopher Kemp	Ms Lisa Neal	South Norfolk Council
Ms Sharon Brooks	(no substitute member)	Co-opted Independent Member

Mr Alexander D Sommerville, CPM	(no substitute member)	Co-opted Independent Member
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**For further details and general enquiries about this agenda
please contact the Committee Officer:**

Anne Pickering on 01603 223230
or email committees@norfolk.gov.uk

Under the Council's protocol on the use of media equipment at meetings held in public, this meeting may be filmed, recorded or photographed. Anyone who wishes to do so must inform the Chairman and ensure that it is done in a manner clearly visible to anyone present. The wishes of Members or any members of the public not to be recorded or filmed must be appropriately respected.

A g e n d a

- 1. To receive apologies and details of any substitute members attending**
- 2. Declarations of Interest**

Norfolk County Council and Independent Co-opted Members

If you have a **Disclosable Pecuniary Interest** in a matter to be considered at the meeting and that interest is on your Register of Interests you must not speak or vote on the matter. It is recommended that you declare that interest but it is not a legal requirement.

If you have a **Disclosable Pecuniary Interest** in a matter to be considered at the meeting and that interest is not on your Register of Interests you must declare that interest at the meeting and not speak or vote on the matter

In either case you may remain in the room where the meeting is taking place. If you consider that it would be inappropriate in the circumstances to remain in the room, you may leave the room while the matter is dealt with.

If you do not have a **Disclosable Pecuniary Interest** you may nevertheless have an **Other Interest** in a matter to be discussed if it affects:

- your well being or financial position
- that of your family or close friends
- that of a club or society in which you have a management role
- that of another public body of which you are a member to a greater

extent than others in your ward.

If that is the case then you must declare such an interest but can speak and vote on the matter.

District Council representatives will be bound by their own District Council Code of Conduct.

3. **To receive any items of business which the Chairman decides should be considered as a matter of urgency**
4. **Office of the Police and Crime Commissioner for Norfolk's Travel and Subsistence Expenditure Scheme**

Page **5**

To consider the arrangements for reimbursing expenses incurred by the Commissioner in carrying out his duties.

5. Exclusion of the Public

The committee may be asked to consider excluding the public from the meeting under section 100A of the Local Government Act 1972 for consideration of items below on the grounds that they involve the likely disclosure of exempt information as defined by Paragraphs 1 and 2 of Part 1 of Schedule 12A to the Act, and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

The committee will be presented with the conclusions of the public interest tests carried out by the report authors and is recommended to confirm the exclusions, as presented.

6. **Office of the Police and Crime Commissioner for Norfolk's Travel and Subsistence Expenditure Scheme**

Page **49**

To consider exempt information.

7. Return to public session

To continue to consider the arrangements for reimbursing expenses incurred by the Commissioner in carrying out his duties and agree any recommendations to be made to the Commissioner.

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**Office of the Police and Crime Commissioner for Norfolk's Travel and Subsistence
Expenditure Scheme**

Suggested approach from Jo Martin, Scrutiny Support Manager

The Panel is recommended to consider the arrangements in place for reimbursing expenses incurred by the Commissioner in carrying out his duties and agree what recommendations, if any, it wishes to make to the Commissioner.

1. Background

- 1.1 In November 2013 the media reported that Stephen Bett, Police and Crime Commissioner for Norfolk ('the Commissioner') had claimed mileage expenses for 70 trips from his home in Thornham to Norfolk Constabulary's headquarters at Wymondham in the period from November 2012 to August 2013, totalling £3024.00.
- 1.2 Following the publicity, and the Commissioner's subsequent statement that he would pay back the money, a complaint was received alleging that Mr Bett had attempted to defraud the public purse.
- 1.3 This complaint was referred to the Independent Police Complaints Commission (IPCC), which announced on 18 June 2014 that it was to conduct a managed investigation.
- 1.4 On 23 December 2014 the IPCC issued a statement saying that the investigation, carried out by City of London Police under the direction and control of the Independent Police Complaints Commission (IPCC), had ended. The IPCC Commissioner overseeing the investigation, James Dipple-Johnstone, had reviewed the findings and decided that a referral to the Crown Prosecution Service should not be made as there was no evidence that Mr Bett had committed a criminal offence.
- 1.5 The IPCC's final report (attached at **Annex A** of this report) was published on 17 February 2015. The conclusion stated that the investigation did not uncover any evidence of any criminal offence having been committed by Mr Bett. It also said that the evidence indicated that the policies in place at the time were followed and commented that it was encouraged by the level of transparency and accountability provided by OPCCN's new travel and expenses policy.
- 1.6 The process for handling the complaint is now complete and the Panel has no further role in commenting on or examining whether a criminal offence may have been committed by Mr Bett.

- 1.7 However, given that the IPCC report highlighted that local arrangements for claiming travel expenses were not robust, the Chairman and Vice-Chairman agreed that the Panel should satisfy itself that those matters have been addressed.
- 1.8 In November 2013 the Panel established a sub-committee to review an internal audit report by PricewaterhouseCoopers (PwC) that OPCCN had commissioned to review its policy and procedures around expenses claims. Two of the four members of that sub-committee are no longer Panel members. Rather than wait until the scheduled April 2015 meeting to reconstitute this group, the Chairman and Vice-Chairman agreed to call an extraordinary meeting of the whole Panel to consider the arrangements in place for reimbursing expenses incurred by the Commissioner in carrying out his duties, including the PwC report.

2. Suggested approach

- 2.1 The Commissioner's Office has provided a report (attached at **Annex B**) that sets out the background, context and final outcome from the managed investigation conducted by the City of London Police on behalf of the IPCC. This provides the Panel with additional supporting information to explain the complaint referral process and how OPCCN assisted the managed investigation, for the Panel to note:

- Appendix 1 - a copy of the Panel's complaints procedure.
- Appendix 2 - a copy of OPCCN's complaints policy and procedures.
- Appendix 3 - a chronology of events, outlining the process followed for handling the complaint.

It also includes the internal audit of PCC expenses commissioned by OPCCN on 18 November 2013, to provide assurance that the appropriate policies and procedures are in place relating to travel expenses:

- Appendix 4 - a copy of PwC's audit report, which was commissioned to establish the full facts surrounding the PCC's expenses claims following the publicity in November 2013 (**excluded from publication**)
- Appendix 5 - a copy of PwC's follow-up audit report (**excluded from publication**).

- 2.2 After the Commissioner's Chief Executive has presented this report, the Panel may wish to:

- 2.2.1 Consider excluding the public from the meeting in order consider the PwC audit reports and question auditors on the following areas:

- a) The recommendations made by PwC relating to OPCCN's original Travel and Subsistence Expenditure Scheme.
- a) Whether those recommendations have been addressed by the current Travel and Subsistence Expenditure Scheme.
- b) Whether the current scheme complies with Her Majesty's Customs and Revenue (HMRC) rules and other relevant guidance.

The Panel may also wish to question the Commissioner's Chief Executive about OPCCN's management responses to PwC's recommendations.

2.2.2 Return to public session to question the Commissioner's Chief Executive on the following areas:

- a) How the current scheme has been implemented.
- b) The procedure for recording and administering claims.
- c) Whether any issues have arisen since the introduction of the new Travel and Subsistence Expenditure which have required further refinements to be made.

2.2.3 Question the Commissioner on the following areas:

- a) Whether he is satisfied that the current scheme is clear and is being administered correctly.
- b) Whether he is confident that the advice and guidance he is receiving about travel and subsistence claims is correct.

3. Related complaints

- 3.1 The Panel will be aware that two complaints related to this same matter were held in abeyance, pending publication of the IPCC's report. The complainants have been provided with a copy of the IPCC report and invited to participate in the local informal resolution process.

4. Action

- 4.1 The Panel is recommended to consider the arrangements in place for reimbursing expenses incurred by the Commissioner in carrying out his duties and agree what recommendations, if any, it wishes to make to the Commissioner.



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Investigation into the expenses claimed by Stephen Bett, Norfolk Police and Crime Commissioner

Managed Investigation
Final Report

IPCC Reference: 2013/018991

OFFICIAL

Contents

Introduction	3
Terms of reference	5
Material provided to the investigation	5
Criminal offences under investigation.....	6
Fraud by false representation (Section 2 Fraud Act 2006).....	6
Fraud by abuse of position (Section 4 Fraud Act 2006)	6
Theft (s1 Theft Act 1968)	7
Analysis of the evidence received	7
The Investigation.....	9
Conclusion	10

Introduction

1. In November 2013 there were media reports that Mr Stephen Bett, the Norfolk Police and Crime Commissioner (PCC) had claimed mileage expenses for 70 trips from his home in Thornham to the Office of the Police and Crime Commissioner for Norfolk (OPCCN) at Wymondham in the period from November 2012 to August 2013, totalling £3024.
2. On 8 November 2013 the PCC made a statement to the press that he would *“pay back the money I have claimed travelling from my office to the Wymondham headquarters.”*
3. Following this publicity, complaints from Mr Andrew Brown were received by the OPCCN on 8 November 2013 and 11 November 2013 alleging that Mr Bett had attempted to defraud the public purse by making the expenses claims for mileage on journey's from his home to Wymondham. On 25 November 2013 the Norfolk Police and Crime Panel (PCP) determined there should be a voluntary referral made to the IPCC.
4. An IPCC referral form was completed by the OPCCN and received by the IPCC on 3 December 2013. The IPCC made requests for further information and IPCC legal advice was subsequently obtained.
5. Prior to making the referral to the IPCC, The OPCCN commissioned a report by PricewaterhouseCoopers on 18 November 2013. The report dated 22 January 2014 concluded that;
 - a. The PCC had consulted with the former Chief Executive Officer (CEO) to agree a method/process by which to claim expenses, including that his home address would be regarded as his permanent work base. However, no formal sanctioned policy was produced as a result of the conversations, no specialist tax advice was sought by the CEO and this verbal agreement was not recorded in writing.
 - b. Each of the PCC's claim forms was authorised by the former CEO or Deputy CEO. However it could be concluded that the lack of detail on the claims did not allow for the former CEO or former deputy CEO to effectively discharge his/her responsibility for rigorous verification and auditing of the PCC's expense claims.
 - c. That having applied the repayment calculation proposed by the OPCCN, the amount that should be repaid in respect of the mileage claims was £2721.60.
6. The report did not comment on the appropriateness of the OPCCN's repayment calculation or the designation of the PCC's address as his permanent work base. The accountants did not seek to validate the completeness and accuracy of diary entries or the PCC's attendance at

the scheduled meetings.

7. In a letter to the OPCCN dated 19 March 2014 the IPCC advised the OPCCN that it is not possible for a Police and Crime Panel to make a voluntary referral and requested that Norfolk PCP make a formal determination as to whether the complaint was one about conduct which constituted or involved, or appeared to constitute or involve, the commission of a criminal offence. If so, this would necessitate a mandatory referral.
8. On 14 April 2014, the CEO of the OPCCN wrote a letter in which he confirmed that Norfolk PCP deemed the complaint received was of a serious nature which the IPCC accepted as an official referral.
9. On 29 April 2014, the Commissioner determined there should be an IPCC led investigation. After negotiation with the City of London Police, the IPCC notified the OPCCN in a letter dated 18 June 2014 that an externally managed investigation conducted by the City of London Police under the direction and control of the IPCC would commence. DCI David Manly was appointed as the investigating officer and the investigation would consider whether any offence had been committed.
10. The rationale for the Commissioners decision is as follows:

"My view is that there remain questions about the accuracy of the mileage claims made, despite our previous advice that these be considered locally. I note that the PWC report states that they have been unable to check these partly because of the remit of their work but also because the standards of record keeping were not great. I also note poorly recorded policies appear to be a general feature in this case and the PWC evidences local arrangements which do not appear terribly robust and the allegations may be a symptom of this.

However, given the expectations on those holding such offices in sensitive areas such as policing and the public interest in ensuring that public money is spent properly, I feel it is important that the matter be investigated to resolve whether an offence has possibly been committed. Ultimately only a thorough consideration of the matter is likely to foster public confidence and I note too some local (and national) public concern at the events. This could be a focussed investigation building on that already started by PWC and primarily verifying the accuracy of the claims (as far as is possible). The investigation will best require some expertise around expenses arrangements and hence my view that an externally managed investigation drawing on some suitable police resource may be a good initial starting point."

11. On 24 June 2014, the OPCCN CEO wrote to the IPCC with concerns regarding some of the information contained in a media release to which the IPCC replied on 21 July 2014 explaining the information released had been correct.

Terms of reference

12. The terms of reference for the investigation were:
 1. The investigation relates to the alleged conduct of the relevant office holder, Mr Stephen Bett, the Police and Crime Commissioner.
 2. To investigate
 - a) Whether the claims for repayment of expenses made by Mr Bett in the period 15 November 2012 to 31 October 2013 were correct.
 - b) Whether any incorrect claims were part of a deliberate attempt to defraud the public purse.
 3. To prepare a final report which indicates whether, in the opinion of the investigator, a criminal offence may have been committed by the relevant office holder. On receipt of the final report, the Commissioner shall determine whether the report should be sent to the Director of Public Prosecutions.

Material provided to the investigation

13. On 3 July 2014, City of London Police (COLP) took receipt of two files containing papers provided by the OPCCN to assist the investigation, these papers were obtained from their records. The documents contained within those files were relevant to the allegation of fraudulent conduct by the PCC.
14. The lever arch files contained:-
 1. PCC declaration of office.
 2. Police Reform and Social Responsibility Act 2011.
 3. Home Office document "The role of the PCC".
 4. Guidelines issued to the PCC regarding use of Procurement card.
 5. Norfolk Constabulary policy of travel and transport and mileage claims.
 6. Copy of the initial PCC travel and subsistence expenditure scheme.
 7. Copy of the PCC travel and subsistence expenditure scheme, revised in October 2013.
 8. Mr Bett's members allowance schedule as police authority member outlining his entitlement of allowances.
 9. Norfolk Police Authority member allowance scheme.

10. Spreadsheet of Mr Bett's expenses, claim forms and corporate card expenditure.
11. Mr Bett's relevant diary entries.
12. Copies of minutes of meetings attended by Mr Bett.

Criminal offences under investigation

Fraud by false representation (Section 2 Fraud Act 2006)

15. The Act states a person is guilty of making a false representation if he:-
 - dishonestly makes a false representation, and
 - intends, by making the representation:-
 - to make a gain for himself or another, or
 - to cause loss to another or to expose another to a risk of loss.
16. A representation is false if:-
 - it is untrue or misleading, and
 - the person making it knows that it is, or might be, untrue or misleading.
17. 'Representation' means any representation as to fact or law, including a representation as to the state of mind of:-
 - the person making the representation, or
 - any other person.
18. A representation may be express or implied.
19. For the purposes of this section a representation may be regarded as made if it (or anything implying it) is submitted in any form to any system or device designed to receive, convey or respond to communications (with or without human intervention).

Fraud by abuse of position (Section 4 Fraud Act 2006)

20. A person is in breach of this section if he:-
 - occupies a position in which he is expected to safeguard, or not to act against, the financial interests of another person,
 - dishonestly abuses that position, and
 - intends, by means of the abuse of that position:-
 - to make a gain for himself or another, or

- to cause loss to another or to expose another to a risk of loss.
21. A person may be regarded as having abused his position even though his conduct consisted of an omission rather than an act.

Theft (s1 Theft Act 1968)

22. A person is guilty of theft if he dishonestly appropriates property belonging to another with the intention of permanently depriving the other of it; and “thief” and “steal” shall be construed accordingly.
23. It is immaterial whether the appropriation is made with a view to gain, or is made for the thief’s own benefit.

Analysis of the evidence received

24. Mr Steven Bett was elected to the post of PCC on 15 November 2011, but only officially took up the office on 22 November 2012. He is paid a salary of £70,000 per annum and was entitled to claim for expenses incurred whilst carrying out his duties. The high level principles were set out in the Travel and Subsistence Expenditure Scheme, published on the OPCCN’s website. This did not provide detailed guidance on when mileage could be claimed, acceptable expense limits or clarification with regards to what social engagements it was appropriate to claim for.
25. In the case of Mr Bett, his claims were primarily for travel and subsistence expenses such as a mileage allowance and train tickets. There was also an expense relating to an overnight hotel stay associated with his role.
26. It is evident from the papers supplied that Mr Bett submitted expense claims on a monthly basis and these had to be agreed and countersigned by either the CEO at the time, Mr Chris Harding, or the Chief Finance Officer (CFO), Mr Bob Summers.
27. At the time of taking up the post, Mr Bett agreed with both Mr Harding and Mr Summers that he could declare his home address in Thornham to be his permanent work base and not the Norfolk Police Headquarters in Wymondham. This meant that under the PCC Travel and Subsistence Expenditure Scheme he could claim mileage expenses for travel from his home to the OPCCN for the purpose of meetings and other engagements carried out in relation to his role. Mr Harding made a statement confirming that he had made this agreement which is filed under Tab 9 in Information File 2. However, as set out above this policy was not recorded in writing. It was this decision that led to this investigation.

28. As set out above in November 2013 the PCC agreed to pay back the amounts claimed for travel from his home to the OPCCN at Wymondham, and not to make further claims for such journeys. However this was not an admission of wrongdoing. His reason for doing so, according to his press statement was that *"he would hate for there to be any shadow cast over the work of Norfolk Constabulary"*. It is not the purpose of this investigation to determine whether the agreement regarding this mileage complied with Her Majesty's Customs and Revenue, or other guidance. The sole purpose of this investigation is to determine whether any criminal offence may have been committed.
29. Contained within Information File 2 under Tab 5a is a spreadsheet detailing all of the expense claims filed by Mr Bett between the period of November 2012 and October 2013 and a copy of the actual individual expense claim form. A review of this material together with supporting documents confirmed Mr Bett's attendance at the meetings claimed for.
30. Mr Bett was provided with a corporate credit card to be used in connection with his role and although there appear to a few occasions when a receipt has not been provided by him for the purchase made, he has completed a form documenting the reason for the claim.
31. In relation to the travel expenses incurred by Mr Bett, these were mileage claims (as agreed with the CEO and CFO) for journeys from his home to meeting venues. This has meant that on occasions the claim is lower than if he had claimed for travelling from the OPCCN in Wymondham. An example of such a claim is on 23 January 2013 when he has claimed £20.70 as mileage i.e. 46 miles between his "permanent work base" in Thornham and Kings Lynn Train Station. Had the return journey been between Wymondham and Kings Lynn it would have amounted to approximately 94 miles which would have meant a claim of £42.30.
32. There are other occasions when the opposite has occurred. An example being on 5 March 2013 when a claim was made for a return journey of 136 miles costing £61.20 between his "home base" and Acle in Norfolk. Had the return journey been between the OPCCN in Wymondham and Acle, the total mileage would have been approximately 42 miles i.e. £18.90.
33. Even assuming that additional mileage expenses were paid to the PCC as a result of his home address being declared as his "permanent work base", this policy was agreed and sanctioned by the CEO and there is no evidence that the agreement was dishonest, or otherwise involved the commission of a criminal offence.
34. There is no evidence within the material supplied of any duplication of mileage claims made by the PCC.

35. An expenses claim was made for a parking ticket incurred by Mr Bett in February 2013 and this can be found within Information File 2 Tab 5a. It is evident that Mr Bett included the cost of the parking ticket within his expenses for that month as he was engaged on official duties at the time of receiving the ticket. The paperwork does not show the correct reason for the payment, however correspondence between members of the OPCCN in post at the time confirmed he was wrongly advised as to how to claim this money, this has since been resolved using the correct procedure.
36. There are entries in the appointments diary that supports the necessity for an overnight stay. The average cost of a hotel room is in the region of £250.00. The Travel and Subsistence Expenditure Scheme permits the PCC to claim for hotel accommodation where it is necessary for the performance of his duties. The amount claimed is consistent with the cost of an average hotel room in Central London and there is no evidence it was unreasonable.
37. Accommodation was recorded on Mr Bett's corporate card. Hotels were booked on two occasions with a third booking cancelled, the total spend on accommodation is £870 inclusive of VAT. This for the three nights in hotels in Central London, the expenditure is receipted and dealt with in line with the corporate card policy for Norfolk Constabulary
38. Following the accountant's report, the newly appointed Chief Finance Officer has taken the responsibility for validating the PCC's expenses, and a new Travel and Expenditure Scheme has been put in place,

The Investigation

39. The investigation has sought to be proportionate and incremental in its approach, starting with a review of the expenses claimed by Mr Bett and the reasons given for each claim. The OPCCN and the PCC cooperated fully with the investigation and provided the material examined at an early stage.
40. The investigation has established that the PCC was entitled to claim expenses, in accordance with the Travel and Subsistence Expenditure Scheme and Home Office guidance on expenses.
41. The Home Office guidance does not provide exact amounts for expenses and uses the term "reasonable". This is because costs differ between different areas.
42. The initial investigative action was to examine the expense claims in order to identify any anomalies in the claims that may require further

examination .

43. The investigation also checked that where Mr Bett had made claims relating to attending meetings, there was evidence that he had in fact attended. This was achieved by comparison of diary entries and minutes of meetings. In all cases there was evidence that Mr Bett had attended and so was entitled under the Travel and Subsistence Expenditure Scheme to claim his expenses in doing so.
44. Claims for hotels and meal expenses were minimal. There is no evidence that the amounts claimed were unreasonable or that the claims were not in accordance with the Travel and Subsistence Expenditure Scheme. The claims for accommodation and subsistence made by Mr Bett were infrequent during the period under examination with the cost of accommodation being a total of £870 and subsistence £70. The expenses submitted are all linked to the duties of the PCC and appear to be reasonable.
45. A single payment regarding a parking ticket had been miscoded and on first glance seemed to be unusual, however evidence shows that Mr Bett was acting on advice when using this coding, and emails confirm he had received authority to claim the cost of the parking ticket.
46. The majority of the claims made by Mr Bett were for mileage costs. PricewaterhouseCoopers analysed those claims using the correct 'permanent office base' i.e. the OPCCN at Wymondham. The permanent office base was confirmed after enquiries were made with HMRC. Mr Bett subsequently repaid the amount they assessed had been overpaid; £2721.60.
47. The investigation considered obtaining evidence from the Automated Number Plate Recognition (ANPR) cameras. However it was decided that this would be disproportionate because there was evidence from the minutes and diaries that all meetings where claims were made were attended. ANPR does not cover all roads and would not be conclusive evidence either way. The mileage claimed was checked by using Google Maps and was found not to have been exaggerated.
48. The investigation considered whether it was necessary to interview Mr Bett and concluded that this was unnecessary as the investigation into his expense claims had not revealed any evidence which might form the basis of allegations which required an answer.

Conclusion

49. The investigation has not uncovered any evidence of any criminal offence having been committed by Mr Bett. The evidence indicates that the

policies in place at the time were followed. It is encouraging that the new Chief Executive has put in place a new travel policy that does provide the level of transparency and countability that the public rightly expects.

DCI David Manley

City of London Police

Date 12 December 2014

Norfolk Police and Crime Panel
12 March 2015

**Office of the Police & Crime Commissioner
Complaint Referral to IPCC – Final Outcome
(Report for information)**

Summary:

This report sets out the background, context and final outcome from the managed investigation conducted by the City of London Police on behalf of the IPCC into claims for travel expenses made by the Police and Crime Commissioner.

The IPCC were provided with full access to all information to assist their investigation, including an internal audit of PCC expenses, commissioned by OPCCN on 18 November 2013. The audit included a series of recommendations.

The IPCC issued a press release on 23 December 2014 concluding that there was no evidence of a criminal offence having been committed. The IPCC highlighted that new arrangements for claiming travel expenses have been introduced that should provide the level of accountability the public expects. The IPCC published the final report on 17 February 2015.

A follow up internal audit of PCC expenses has since been conducted to track management progress to the key findings and recommendations. The internal auditors have confirmed that all recommendations have been fully implemented by OPCCN management.

1 Background

- 1.1 In November, 2013, a complaint was made to the Office of the Police and Crime Commissioner (OPCCN), following a number of media reports in relating to travel expenses claimed by the Police and Crime Commissioner. The complainant alleged that Mr Bett had attempted to 'defraud the public purse' by making expenses claims for mileage relating to journeys from his home to Wymondham.
- 1.2 In line with the Norfolk Police and Crime Panel complaints procedure (copy at **Appendix 1**) and the OPCCN complaints policy and procedures (copy at **Appendix 2**) the complaint was received and considered by an independent member of the Police and Crime Panel and the Norfolk OPCC Chief Executive and a mandatory referral was made to the IPCC.
- 1.3 **Appendix 3** sets out a chronology of events outlining the process followed.
- 1.4 On the 18 November 2013 the Chief Executive commissioned an internal audit by Price Waterhouse Coopers (PwC) of the PCC expenses to establish the full facts following the media reports around the PCC expenses claims.

- 1.5 The audit highlighted a number of recommendations and the Chief Executive provided a management response to the internal auditors. A copy of this report is provided at **Appendix 4**.
- 1.6 The IPCC made the determination in June 2014 to conduct a managed investigation regarding the PCCs expenses. The managed investigation was undertaken by the City of London Police.
- 1.7 The PwC report concluded that the Police and Crime Commissioner had consulted with the former Chief Executive Officer (CEO) to agree a process by which the PCC could claim expenses. However, no formal sanctioned policy was produced as a result of these conversations and specialist tax advice was not sought by the former CEO before verbally agreeing the method/process with the Norfolk Police and Crime Commissioner.

2 Current Position

- 2.1 James Dipple-Johnstone, the IPCC Commissioner wrote to the OPCCN on 22 December 2014 to state that the IPCC managed investigation had now been completed and provided a copy of the final report.
- 2.2 The IPCC published the report on 17 February 2015.
- 2.3 The IPCC Commissioner reviewed the report in accordance with, regulation 26(2) (a) of the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 and determined that the report does not indicate that a criminal offence may have been committed by the Police and Crime Commissioner, Mr Bett.
- 2.4 The IPCC Commissioner also stated that the policy in respect of claimable expenses that was in place at the time was flawed in that insufficient guidance was given to the PCC. The IPCC Commissioner is now aware that the policy has been reviewed and updated and provides the level of transparency and accountability that the public expects.
- 2.5 A follow up audit was conducted on the four key findings of the original audit. The auditors have concluded that all four key findings have been fully implemented by the Chief Executive. The results of this audit were published to the OPCCN on 23 February 2015. A copy is provided at **Appendix 5**.
- 2.6 The OPCCN received a request under the Freedom of Information Act 2000 for a copy of the PwC report that was published on 22 January 2014. On 10 April 2014 the OPCCN issued a refusal notice under Section 17 of the Freedom of Information Act 2000 as the PwC report is intended for future publication after it has been assessed by the Norfolk Police and Crime Panel.

3 Recommendations

- 3.1 The Police and Crime Panel note the contents of this report and the findings of the IPCC managed investigation.

- 3.2 The Police and Crime Panel note the contents of appendices 4 and 6 which provide assurance that the appropriate policies and procedures are in place relating to travel expenses.
- 3.3 The Panel is recommended to consider the arrangements in place for reimbursing expenses incurred by the Commissioner in carrying out his duties and agree what recommendations, if any, it wishes to make to the Commissioner.

**Norfolk Police and Crime Panel Complaints Procedure:
Dealing with Complaints about the Conduct of the Police and Crime
Commissioner for Norfolk
Detailed Guidance**

1. Introduction

This procedure deals with complaints about the conduct of the Police and Crime Commissioner for Norfolk (the PCC) and/or the Deputy Police and Crime Commissioner (the DPCC), as required by the Police Reform and Social Responsibility Act 2011 (the Act). The appropriate regulations are the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2011 (the Regulations) and nothing in this procedure overrules the provisions of those Regulations. In addition, references in this document to the relevant office holders, to the Police and Crime Commissioner and the person appointed as the Deputy Police and Crime Commissioner or to the person complained about, are to those two persons in their Office for Policing and Crime capacities primarily, although complaints may extend to their conduct in their public and private capacities.

2. Role of Police and Crime Panel under the Regulations

The Norfolk Police and Crime Panel (the Panel) is given specific functions under the Regulations as to the handling and determination of complaints against the PCC and/or the DPCC. The Regulations permit the Panel to delegate some or all of these functions to the PCC's Head of Staff (the Head of Staff) and the County Council's Head of Democratic Services (the HDS) in consultation with a nominated member of the Panel. The Panel has decided to delegate the function of the initial handling of complaints to the PCC's Head of Staff, so reference to the Panel in this document (except in the case of the informal resolution procedure) should be interpreted as a reference to the PCC's Head of Staff.

The Head of Staff will make a formal recording of decisions on complaints to ensure that complaints received are correctly identified as being complaints which are subject to the Regulations and that other complaints (for example complaints about the PCC's staff or the Police Force) are directed elsewhere as appropriate.

3. Key concepts

The legislation contains a number of key definitions:

- A complaint means a complaint about the conduct of the PCC and/or the DPCC, whether or not that conduct is potentially criminal.
- A recorded complaint means a complaint that the Panel is obliged under the Regulations to formally record.
- A conduct matter means a matter where there is an indication (whether from the circumstances or otherwise) that the PCC and/or the DPCC may have committed a criminal offence. Conduct matters can arise without a complaint being made and must be notified to the IPCC.

- A serious complaint means a complaint made about the conduct of the PCC and/or the DPCC which constitutes or involves, or appears to constitute or involve the commission of a criminal offence. Serious complaints must be notified to the IPCC.

4. Evidence threshold

Conduct matters and serious complaints must be referred by the Panel to the IPCC. The difference between a conduct matter and a serious complaint is the level of evidence present in the complaint as to whether a criminal offence has potentially been committed by the PCC and/or the DPCC.

It is not the Panel's function to investigate or determine whether a crime has been committed; only a court of criminal jurisdiction can definitively rule on the matter. Any investigations related to a potential crime will be undertaken by the IPCC. However, the Panel acts as a filter and will decide how a complaint should be classified, handled and taken forward under the Regulations. For a criminal offence to have been committed a number of different elements constituting the offence must be present e.g. the physical facts, usually evidence of intention or lower degree of purpose, causation etc. Therefore, as part of its functions, the Panel will take these matters into account when coming to a view as to whether something is a conduct matter or a serious complaint. In neither case is the criminal law standard of proof - beyond all reasonable doubt – applicable, as the Regulations do not require this level of certainty and the Panel will make the decision on the basis of evidence that is likely to be substantially below the normal civil law standard of the balance of probabilities, noting also that:

- A conduct matter only requires there to be an indication or sign that a criminal offence may have been committed. A low degree of evidence that enough of the necessary elements required to constitute any particular offence are present is likely to be an adequate sign of criminal conduct, resulting in the matter being referred to the IPCC as a conduct matter.
- A serious complaint requires stronger evidence, as it must show that there is conduct that appears to constitute or involve the commission of a criminal offence. Therefore the level of evidence that the necessary elements are present will be more than for a conduct matter, but much less than required under the normal civil standard.

5. Appropriate Police and Crime Panel

The Regulations only confer jurisdiction on the Police and Crime Panel where it is the appropriate panel under the Act for the relevant office holders in question. The Police and Crime Panel will normally be the appropriate panel for all complaints concerning the conduct of the PCC and/or the DPCC.

6. Recorded Complaints and Conduct Matters

The Panel will establish a formal Register for recording complaints and conduct matters under the Regulations. The Register will take the form of an electronic database within which to record all key details pertaining to a

complaint including the date received, contact details of the complainant, a summary of the complaint, the category into which it falls (conduct matter, serious complaint or other recorded complaint), the date on which it was recorded, an indication of intended action on the complaint and any other relevant information. A complaint or conduct matter entered into the Register is a recorded complaint or recorded conduct matter for the purposes of these procedures.

7. Conduct matters

A conduct matter is a matter in the case of which there is an indication that the PCC and/or the DPCC may have committed a criminal offence. A complaint does not need to have been made for a conduct matter to arise and to be dealt with under the Regulations.

Where the Panel is notified that civil proceedings against the PCC and/or the DPCC have been or are likely to be brought by a member of the public and which appear to involve or would involve a conduct matter, the conduct matter must be recorded by the Panel and entered into the Register.

However, if the Panel is satisfied that either of the following exceptions apply, it is not necessary to record a conduct matter:

- the matter has already been recorded as a complaint under regulation 9(5) of the Regulations i.e. as a recorded complaint (see below); or
- the matter has been, or is already being, dealt with by means of criminal proceedings against the PCC and/or the DPCC: this will normally be the case where the Police have formally charged the person with a criminal offence or information alleging an offence has been laid before a magistrate's court.

If the IPCC becomes aware of a conduct matter which has not been recorded by the Panel, the IPCC may direct the Panel to record the matter and the Panel must do so.

8. Conduct matters occurring outside England and Wales

The PCC and/or the DPCC are under an individual duty to notify the Panel of any allegation, investigation or proceedings in relation to their conduct which would otherwise be a conduct matter under the Regulations only by reason of the fact that the conduct in question did not occur in England or Wales. If the Panel receives such a notification from the PCC and/or the DPCC, it will be handled in whatever manner the Panel considers to be appropriate.

Accordingly, by not later than the end of the working day following the day on which the investigation, allegation or proceedings (as above) comes to their attention, the PCC and/or the DPCC shall notify the Panel in writing of the matter.

9. Making complaints about the PCC and/or the DPCC

We would recommend that all complaints are made to the PCC's Head of Staff (the Head of Staff), who has been given delegated authority by the Panel

to carry out the initial handling of complaints in consultation with a nominated member of the Panel. He can be contacted in the following ways:

By post: Mr C G Harding, Office of the Police and Crime Commissioner for Norfolk, Jubilee House, Falconers Chase, Wymondham, NR18 0WW

By email: opccn@norfolk.pnn.police.uk

By telephone: (01953) 424455

Complaints can also be sent to the following people and organisations:

- The Norfolk Police and Crime Panel (the Panel)
- The Independent Police Complaints Commission (the IPCC);
- The Chief Constable;
- Directly to the PCC and/or DPCC.

It will be the duty of these people and organisations to refer complaints to the Head of Staff of the PCC. This is why we recommend that your complaint is made directly to the Head of Staff.

10. Recipients' duties on receipt of a complaint

Direct complaints to the Panel

The Panel has a duty to ensure that it is kept informed of matters relating to the conduct of the relevant office holders which might give rise to a complaint and to provide the IPCC with all such assistance as it reasonably requires.

Where the Panel considers that an oral or written complaint requires further information or detail in order to be properly considered under the Regulations, it may ask the complainant to provide such detail.

The Panel will consider the complaint, and whether to record it and (if so) how the recorded complaint is to be dealt with.

Direct complaints to the PCC and DPCC and preservation of evidence

By not later than the end of the working day following the day on which the complaint was made to them, the PCC and/or the DPCC must notify the Panel in writing of the matter of the complaint and provide details of the steps they have taken to preserve evidence relating to the conduct in question, including its location and in whose custody it is (see below).

Where a complaint is made directly to the PCC and/or the DPCC, then both are under a statutory duty to take all such steps as appear to them to be appropriate for obtaining and preserving evidence in relation to the conduct in question, both initially and from time to time after that. In discharging this duty they shall take such steps as a reasonable person would consider appropriate in the circumstances to obtain and preserve evidence, and in any event shall comply with any requests of the Panel, as above.

Direct complaints to individual members of the Police and Crime Panel

Any complaint addressed to a member of the Panel or to officers who support it, should be immediately directed by the recipient to the Panel, along with any other available information that is relevant to the complaint.

Direct complaints to the IPCC

When a complaint is made to the IPCC, it is the duty of the IPCC to notify the Panel, unless the IPCC considers that there are exceptional circumstances to justify the notification not being given.

Direct complaints to the police

Where a complaint is made to the Chief Constable, it is the duty of the Chief Constable to give notification of the complaint to the Panel.

11. The Panel's duties to obtain and preserve evidence

When a complaint or conduct matter about a relevant office holder comes to the attention of the Panel, it is under a duty to secure that all appropriate steps are being taken for obtaining and preserving evidence in relation to the conduct in question, both initially and from time to time after that. It is not the Panel's role to investigate matters and it is likely that before taking steps to obtain or preserve evidence it will normally consult the IPCC. The IPCC may also give the Panel and relevant office holder directions for obtaining and preserving evidence.

Accordingly, the Panel may make formal requests of the PCC and/or the DPCC to take such steps as the Panel considers are necessary for obtaining and preserving evidence in relation to the conduct in question, both initially and from time to time after that, including requests that steps are taken concerning the disposition of the property and resources of the PCC's office (such as its buildings, assets, equipment, supplies, accounts, records, information, electronic data etc. in their widest sense and wherever located). A person given a direction by the Panel under this procedure shall comply with it in full and generally to cooperate with the Panel and its authorised officers in the discharge of their statutory duties under the Regulations.

Such persons shall also permit access and render possession of any such evidence in relation to the conduct complained about to the Panel as is in their possession custody or control in accordance with his instructions.

The Panel shall be informed of any instances where there has been a complete or partial failure by any person or organisation to comply with any request regarding evidence.

12. The Panel's duties on notification of a complaint

The Panel will record a complaint unless it is satisfied that any of the following exceptions apply, in which case it is not necessary to record the complaint (in whole or in part):

- if it has been or is currently being dealt with by criminal proceedings, this will normally be the case where the Police have formally charged the

person complained about or information alleging an offence has been laid before a magistrate's court or

- the complaint has been withdrawn.

If it is not recorded in the Register, the Panel will notify the complainant of the decision not to record the complaint and, therefore, to take no action upon it, and will explain the grounds on which that decision was made, whether in relation to whole or part of the complaint.

The Panel will send acknowledgement of receipt of a complaint within five working days.

If recorded (in whole or in part) the Panel will supply the complainant with a copy of the record made of the complaint and provide information about the next steps to be taken in relation to the complaint. The Panel will supply a copy of the record made of the complaint to the person complained against, unless he is of the opinion that doing so might prejudice any criminal investigation or be contrary to the public interest.

13. Taking no action on a recorded complaint

If the Panel considers that a recorded complaint (which is not one that otherwise must be referred to the IPCC) is one in respect of which no action should be taken, or it falls within the circumstances set out below, then the recorded complaint may be handled in whatever manner the Panel considers to be appropriate.

The types of recorded complaints that may be dealt with in this way are:

- A complaint by a member of the relevant office holder's staff, arising from the staff member's work as such
- Where more than twelve months have elapsed since the incident and there is no reason for the delay, or injustice would be caused by it;
- The matter is already the subject of a complaint;
- An anonymous complaint;
- A complaint is vexatious, oppressive or otherwise an abuse of the procedures; or
- A repetitious complaint.

For the purpose of this document vexatious complaint is one without foundation which is intended, or tends, to vex, worry, annoy or embarrass. For a complaint to be vexatious, it does not have to be repetitious. It is the complaint itself that must be judged vexatious, oppressive or an abuse, not the complainant.

A 'repetitious' complaint is one which is the same or substantially the same as a previous complaint, or concerns the same conduct as a previous conduct matter, contains no fresh allegations which affect the account of the conduct complained of, no fresh evidence (being evidence not reasonably available at the time the previous complaint was made and in respect of which a previous determination or withdrawal of complaint has been made).

The Panel must notify the complainant that it has decided to handle the recorded complaint by taking no further action. A decision to take no action will require the agreement of both the Head of Staff and the nominated Panel member.

14. Referral of recorded complaints and recorded conduct matters to the IPCC

The Panel must refer the following to the IPCC:

- All recorded conduct matters;
- All serious complaints;
- Any serious complaint or recorded conduct matter where the IPCC has called it in (see below).

Call-in by the IPCC

The Panel must refer a recorded complaint to the IPCC if it is notified that that the IPCC itself requires the complaint to be referred to the IPCC.

Referral

Where a recorded complaint or recorded conduct matter is to be referred to the IPCC then the Panel shall do so as soon as is practicable, and in any event not later than the end of the working day following the day on which it becomes clear to the Panel that the complaint or conduct matter is one that should be referred to the IPCC. The details in the Register will be made available to the IPCC together with such other information as the Panel considers appropriate.

On referring a recorded complaint to the IPCC, the Panel must notify the complainant and the person complained about of the referral, unless it appears to the Panel that notifying the PCC and/or the DPCC might prejudice a possible future investigation.

Referral-back

Where the IPCC determines that it is not necessary for it to investigate a recorded complaint, it may refer the complaint back to the Panel, who must deal with the referral in accordance with the “Resolution of other complaints” section (see below). The IPCC will notify the complainant and the person complained against about this decision.

Duty to provide information

The IPCC has a duty to provide the complainant and any person with an interest in the handling of a complaint, with information as will keep them properly informed. Such information includes:

- The progress of the investigation;
- Any provisional findings;
- Submission of the final report.

When an investigation has been completed, any person with an interest in the handling of a complaint shall be notified of the date on which the final report is likely to be submitted and what action regarding the report shall be taken.

This duty shall not apply where the IPCC is of the opinion that disclosure of information may cause an adverse effect and is not in the public interest.

15. Civil proceedings against the PCC and/or the DPCC

The Panel may receive notification that civil proceedings involving or appearing to involve a conduct matter have been brought against the PCC and/or the DPCC. The Panel will record a conduct matter if it determines that it is the right panel in relation to the relevant office holder. The Panel will not record a conduct matter if it has already been recorded as a complaint or is being dealt with by criminal proceedings against the person complained about.

Civil proceedings involve a conduct matter if they relate to it or if they relate to a matter in relation to which a conduct matter, or evidence of such a matter, is or may be relevant.

16. Resolution of other (non-criminal) complaints

A recorded complaint against the PCC and/or the DPCC, which is not referred to the IPCC or is not one in respect of which the Panel has decided to take no action, or is one that has been referred back to the Panel from the IPCC, shall be dealt with by way of informal resolution. Procedures for informal resolution shall not include a formal investigation of the complaint but the PCC and/or the DPCC may be asked to provide documents in relation to the complaint and to attend a meeting to answer questions and/or give evidence. Informal resolution shall not lead to any disciplinary proceedings against the PCC and/or the DPCC.

Informal resolution

The Panel has delegated authority to secure informal resolution to the HDS, in consultation with a nominated member of the Panel.

In attempting to secure resolution of the complaint, the HDS, in consultation with the nominated member of the Panel, will consider whether any further information is required.

Where it appears to the HDS that a recorded complaint against the PCC and/or the DPCC had in fact already been satisfactorily dealt with at the time it was brought to his notice, the HDS may, subject to any further representations, treat it as having been resolved. The HDS shall, prior to making a final decision that a complaint has already been resolved, give the complainant and the person complained against an opportunity to comment on the proposed decision.

Where the person complained against chooses not to comment on the complaint, the HDS shall record this fact in writing.

Apologies

The HDS, in consultation with the nominated member of the Panel and with support from an informal resolution adviser, will seek to resolve the complaint through the most appropriate procedure. This may involve one or a combination of the following

- an apology from the PCC and/or the DPCC;
- individual communication between the complainant and the person complained about, via the HDS in consultation with the nominated member of the Panel and the informal resolution adviser;
- a face to face meeting between the complainant and the person complained about, mediated by the HDS in consultation with the nominated member of the Panel and the informal resolution adviser.

The HDS shall not tender an apology on behalf of the PCC and/or the DPCC unless the person complained against has agreed to issue the apology.

The HDS has no legal powers to apply formal sanctions other than to provide an opinion on the conduct of the relevant office holder. This may lead to cases when a complainant refuses to accept the outcome decision of a complaint. In such cases, the HDS, in consultation with the nominated member of the Panel, may decide to take no further action, if the complainant insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.

Where a recorded complaint has been subjected to informal resolution, the HDS shall as soon as practicable make a record of the outcome of the procedure and send a copy of that to the complainant and the person complained against.

The HDS shall not publish any part of any such record unless he:

- has given the complainant and the person complained against an opportunity to make representations in relation to the proposed publication; and
- has considered any such representations, and is of the opinion that publication is in the public interest.

Timescale

A full response to a complaint should be given within 25 working days after the referral of the complaint to the HDS for informal resolution. Where a complaint is particularly complicated, the complainant will be informed about how long the process may take.

17. Provision and recording of information

The Panel shall notify the PCC's office of the name and address of the person to whom complaints by members of the public should be directed and shall specify how the PCC's office will publish such information.

The Panel shall keep a record of every complaint and purported complaint received; every conduct matter recorded by the Panel arising from civil proceedings or otherwise coming to the attention of the Panel and every exercise of a power or performance of a duty under the Regulations.

The Panel shall provide the complainant and the PCC and/or the DPCC with a record of the complaint. The Panel may choose not to provide a copy of a complaint if he is of the opinion that doing so might prejudice any criminal investigation.

The Panel shall provide the IPCC with all such information and documents specified or described in a notification given by the IPCC to the Panel within the specified time.

18. Withdrawn and discontinued complaints

At any stage a complainant may decide that they wish to withdraw their complaint or that they wish to discontinue it. If the Panel receives written notification to this effect, signed by the complainant or someone authorised to act on their behalf, the Regulations shall cease to apply to that complaint.

If the complainant notifies (in writing, signed by the complainant, his solicitor or someone authorised to act on his behalf) the IPCC that they are withdrawing their complaint or wish it to be discontinued, but does not tell the Panel, the IPCC must send a copy of this notification to the Panel and the Panel must record the fact.

If the complaint is with the IPCC, the Panel must notify the IPCC that it has recorded the withdrawal of the complaint. The IPCC will then consider whether the complaint should be treated as a conduct matter. If the IPCC determines that it should be so treated, they will notify the Panel.

In the case of a complaint which was not referred to the IPCC, or was referred to the IPCC and then referred back, the Panel itself must decide whether the complaint is to be treated as a conduct matter. A complaint is to be treated as a conduct matter if the Panel determines that it is about conduct which constitutes or involves, or appears to constitute or involve, the commission of a criminal offence.

If the complainant wishes to withdraw their complaint, but does not provide signed notification in writing, the Panel must write to the complainant to determine whether or not they wish to withdraw. If the complainant does not reply within 21 days, the Panel will treat it as if he had received signed, written notification of a desire to withdraw.

The Panel must notify the person complained against if it records a complaint as being withdrawn or discontinued, if the complaint is to be treated as a conduct matter, or if the Regulations cease to apply to the complaint on the basis that it has been withdrawn or discontinued. Unless the Panel has previously decided not to notify the person complained against of the complaint on the basis that it might prejudice a criminal investigation or pending proceedings, or be contrary to the public interest.

Complaints about the Conduct of the Police and Crime Commissioner for Norfolk

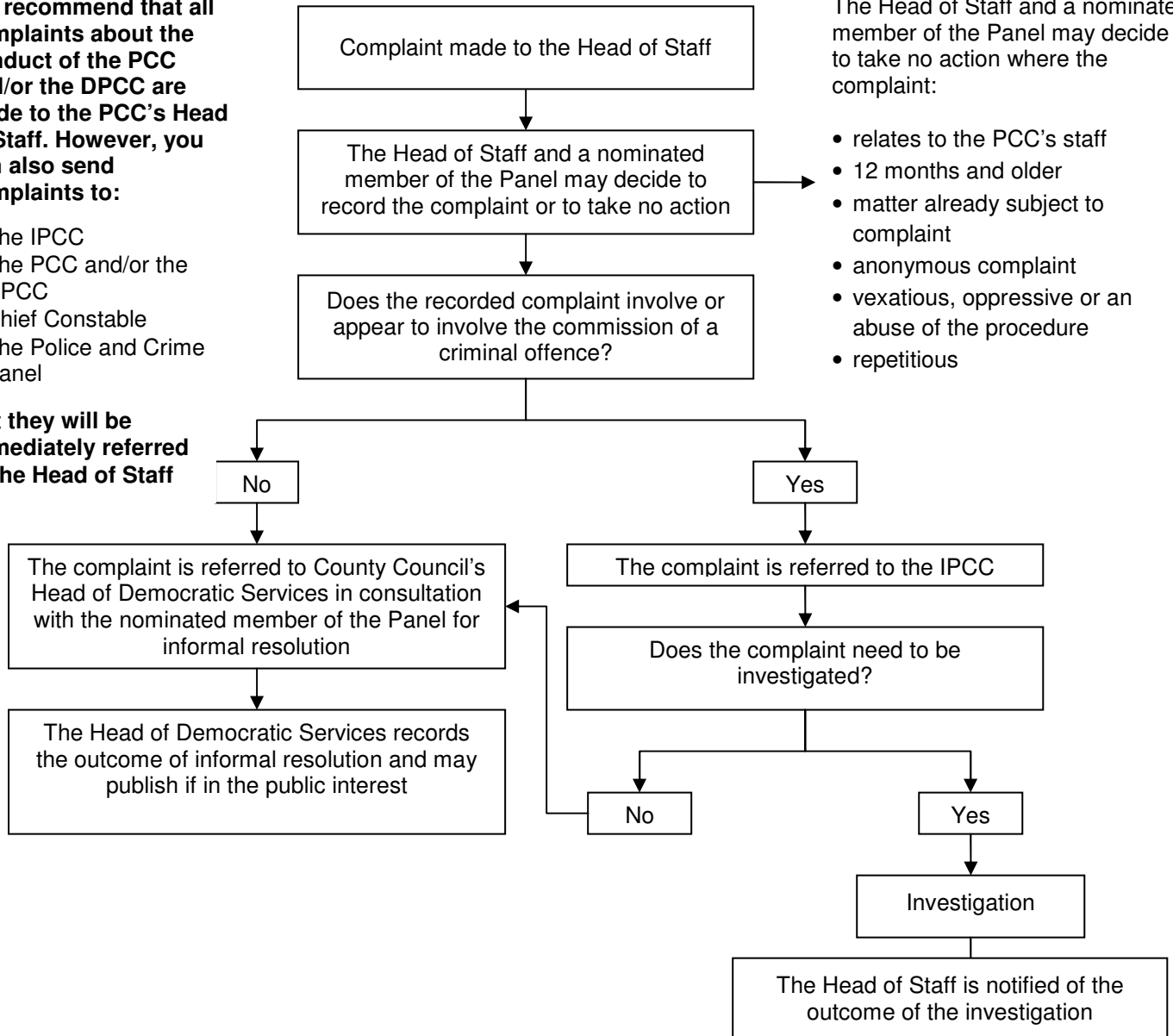
We recommend that all complaints about the conduct of the PCC and/or the DPCC are made to the PCC's Head of Staff. However, you can also send complaints to:

- The IPCC
- The PCC and/or the DPCC
- Chief Constable
- The Police and Crime Panel

But they will be immediately referred to the Head of Staff

The Head of Staff and a nominated member of the Panel may decide to take no action where the complaint:

- relates to the PCC's staff
- 12 months and older
- matter already subject to complaint
- anonymous complaint
- vexatious, oppressive or an abuse of the procedure
- repetitious





OFFICE OF THE POLICE & CRIME
COMMISSIONER FOR NORFOLK

Complaints Policy

Contents

1. Introduction
2. Types of complaint
3. Persons eligible to make a complaint
4. Time limits for making a complaint
5. Complaints against Chief Constable
6. Complaints relating to Direction and Control Matters
7. Power to Direct
8. Complaints against Police and Crime Commissioner
9. Complaints against member of staff within the Office of Police and Crime Commissioner
10. Persistent Complainants
11. Other organisations involved in the complaints process
12. Complaints Process

13. Appendices

1. Introduction

- 1.1 The Police Reform and Social Responsibility Act 2011 provided for the election of a Police and Crime Commissioner (PCC) for Norfolk.
- 1.2 The Police Reform Act 2002, as amended, places a legal duty on the PCC to deal with all complaints and conduct matters relating to the Chief Constable and to monitor the handling by the Chief Constable (CC) of all complaints and conduct matters relating to the Force.
- 1.3 The PCC will also deal with complaints about the conduct of his own staff.

2. Types of Complaints

- 2.1 The PCC will consider the following types of complaint:
 - Complaints about the conduct of the Chief Constable (the complaint must relate to an incident or course of conduct in which the Chief Constable has been personally involved)
 - Complaints about any member of staff who works for the PCC.
- 2.2 The PCC is not able to consider:
 - Any matter which is the subject of any legal dispute or legal proceedings
 - Complaints as defined in section 10.1 of this Policy
 - Complaints made by police officers or members of police staff.
- 2.3 Complaints about serving officers below the rank of Chief Constable are directly managed by the Force and are subject to separate policies and procedures. This Policy deals with the ways in which complaints being handled by the PCC will be dealt with.

3. Persons Eligible to make a Complaint

- 3.1 The PCC will consider complaints received from persons within the following categories:
 - Any person who has been the target of behaviour they regard as inappropriate or anyone who has witnessed such behaviour
 - Any person who regards themselves as being adversely affected (this may involve being distressed or inconvenienced) by an incident
 - Any person acting on behalf of and with the written permission of anyone in any of the categories above.

4. Time Limit for Submitting a Complaint

- 4.1 Whilst there is no time limit for making a complaint it would always be preferable if a person is unhappy that they should let the PCC know as soon as possible following the incident. At the maximum, no more than twelve months should have passed between the incident and the receipt of the complaint.
- 4.2 When deciding how a complaint should be dealt with the PCC may take into account the length of time taken for it to be submitted.
- 4.3 Documents may be kept in accordance with file retention policies which may mean that a delay in submitting a complaint may result in relevant documents no longer being available.

5. Complaints against Chief Constable

- 5.1 A complaint against the Chief Constable will be managed and investigated, if appropriate, in accordance with the procedure attached as Appendix 1.

6. Complaints relating to Direction and Control Matters

- 6.1 The definition of direction or control of the force is the operational responsibility and discretion held by the Chief Constable. Direction and control of the force by the Chief Constable is taken to include the direction and control by any person serving under him. Complaints relating to direction and control would concern:
 - Operational policing procedures
 - Organisational decisions
 - General policing standards within the force
 - Operational management decisions (where there are no conduct issues).
- 6.2 Complaints about direction and control may be received by:
 - The PCC
 - The Professional Standards Department
 - The Association of Chief Police Officers
 - The IPCC.
- 6.3 Any complaints received by the OPCC which are considered to relate to direction and control will be acknowledged and passed to the Professional Standards Department where they will be registered and dealt with in accordance with force procedures. The Head of Professional Standards will provide regular reports to the Chief Executive on the handling of such complaints to enable the PCC to be advised, this may include the PCC deciding to require a Chief Constable to take certain actions as detailed in Section 7 below.

7. Power to Direct

7.1 Section 15 of the Police Reform Act 2002, as amended, provides that in a case where it appears to the PCC that:

- (a) an obligation to act or refrain from acting has arisen in relation to a complaints matter
- (b) that obligation is an obligation of the Chief Constable, and
- (c) the Chief Constable has not yet complied with that obligation, or has contravened it.

the PCC may direct the Chief Constable to take such steps as the PCC thinks appropriate and the Chief Constable must comply with any direction given.

8. Complaints against the Police and Crime Commissioner (and DPCC)

8.1 Complaints about the PCC and Deputy Police and Crime Commissioner (DPCC) are submitted to the Chief Executive who has delegated authority from the Police and Crime Panel (PCP) administered by Norfolk County Council to undertake the initial handling of complaints.

8.2 The Chief Executive will refer complaints to the Police and Crime Panel as required. Details of this process and the complaints procedure adhered to by the Panel can be found on the [Norfolk County Council website](#).

8.3 Serious complaints and conduct matters (those that involve or appear to involve the commission of a criminal offence) will be referred by the Chief Executive to the Independent Police Complaints Commission (IPCC) for investigation.

8.4 In accordance with the Elected Local Policing Bodies (Specified Information Order) 2011 the PCC will publish details of the number of complaints or conduct matters that have been brought to the attention of the PCC by the Police and Crime Panel (either because of referral from the IPCC or the subject of informal resolution by the Panel).

9. Complaints against a Member of staff within the Office of the Police and Crime Commissioner

9.1 These complaints relate to a member of staff employed within the Office of the Police and Crime Commissioner. Complaints against members of Police Staff will be dealt with by the Professional Standards Department.

9.2 On receipt of a complaint against a member of staff the PCC (or DPCC) will consult with the Chief Executive (unless the complaint relates to the Chief Executive when the discussion will be with the PCC's Chief Financial Officer).

- 9.3 Appropriate arrangements will be put in place for an investigation; if the complaint relates to a criminal matter advice will be sought from the force's Head of Professional Standards as a matter of urgency. Any investigation may be undertaken by either the Chief Executive, the body providing internal audit services to the PCC or the Professional Standards Department depending upon the nature of the complaint.
- 9.4 Careful consideration will be given as to whether the member of staff subject to the complaint should be suspended pending the outcome of the investigation. This will greatly depend upon the nature of the complaint and the degree of risk involved in the continued presence of the staff member in the workplace.
- 9.5 If the complaint relates to the Chief Executive, consideration will be given to appointing an independent body to undertake any investigation; this could be the body providing internal audit services to the PCC, the Professional Standards Department, or some external agency.

10. Persistent etc Complainants

10.1 A supplemental policy has been published detailing how unreasonable and unreasonably persistent and vexatious complaints will be dealt with.

10.2 The PCC may decline to record a complaint if he considers that:

- The matter is already the subject of a complaint made by or on behalf of the same complainant
- The complaint discloses neither the name and address of the complainant nor that of any other interested person and it is not reasonably practicable to ascertain such a name or address
- The complaint is vexatious, oppressive or otherwise an abuse of the procedures for dealing with complaints
- The complaint is repetitious (i.e. it is substantially the same as a previous complaint made by or on behalf of the same complainant, it contains no fresh allegations which significantly affect the account of the conduct complained of or no fresh evidence which was not reasonably available at the time the previous complaint was made is tendered in support of it)
- The complaint is fanciful.

10.3 Past complaint history may be taken into account where it is relevant to show that a complainant is being considered as persistent etc.

11. Other Organisations Involved in the Complaints Process

11.1 Appendix 2 sets out details of the responsibilities of other individuals and organisations have within the complaints process.

12. Complaints Process

12.1 A summary of the complaints process is included as Appendix 3.

Appendix 1

OFFICE OF THE NORFOLK POLICE & CRIME COMMISSIONER PROCEDURE FOR DEALING WITH COMPLAINTS AGAINST THE CHIEF CONSTABLE

Note:

- (a) Any reference in this procedure in bold type to a
- **section** is a reference to the Police Reform Act 2002 (“PRA02”)
 - **paragraph** is to Schedule 3 of PRA02
- (b) “Complainant” in this document includes references to an interested person where appropriate.

Background:

1. Under Part 2 of the PRA02, the Police and Crime Commissioner (PCC) has responsibility for dealing with complaints concerning the Chief Constable.
2. This document sets out the procedure to be followed upon receipt of a complaint against the Chief Constable.

Stage 1 – Initial Steps

3. The first stage upon receipt of any complaint or conduct matter involves the determination of questions set out in Table 1 below. The Chief Executive will determine the matters set out in Table 1 and, if appropriate, record the complaint. In making these determinations, the Chief Executive will have regard to the Statutory Guidance issued by the Independent Police Complaints Commission (IPCC) under **Section 22**.
4. In order to determine the questions referred to in Table 1, it may be necessary to make some initial enquiries relating to the matter. In doing so, the Chief Executive may ask for brief comments from the Chief Constable, or other suitable senior officer, so that the potential gravity of the situation can be assessed.

Table 1 – Stage 1 Steps

- (a) Upon receipt of any allegation, the first stage issues involve the determination of the following questions:
- Is the allegation a complaint? [**section 12**]
 - Is it from a person listed as able to make a complaint? [**sections 12 and 29(4)**]
 - Is the PCC the appropriate PCC? [**section 29**]
 - Is the complaint of a description specified in regulations as not requiring to be recorded? [**paragraph 2(8)**]

- (b) The obligation to obtain or preserve evidence **[paragraph 1(1) and 12(1)]** must also be addressed. Note that this is a continuing duty throughout the handling of the complaint.
-

5. (i) If the Chief Executive decides that the complaint will not be recorded, he/she will write to the Complainant stating the reasons for this decision and explaining the Complainant's right to appeal to the IPCC against the decision. The Chief Constable will also be informed of the decision and reasons.
- (ii) If the complaint is about a direction and control matter, it will be referred to the force's Professional Standards Department and dealt with under the force's policy on direction and control matters.
- (iii) If the complaint amounts to an expression of dissatisfaction with police services, it will be referred to the force and dealt with as such in accordance with established force procedures.
6. If the PCC is not the appropriate PCC under **section 29** the Chief Executive will forward the matter to the appropriate PCC.
7. If the complaint is recorded, then unless to do so might prejudice the fair determination of the matter, the Chief Executive will copy the complaint to the Chief Constable or notify him of its substance. The Chief Executive will also send the Chief Constable and Complainant a copy of this procedure at an early stage.

Stage 2 – Consideration by the PCC

8. The Chief Executive will prepare a written report for the PCC.
9. The Chief Executive will notify the Complainant and the Chief Constable of the date on which the PCC will consider the matter. If the Chief Constable or Complainant makes representations at this stage to the PCC in writing, such representations shall be disclosed to the Investigating Officer if an investigation subsequently takes place.
10. The options open to the PCC dealing with a complaint are set out in Table 2.
-

Table 2 – Dealing with a Complaint

- (a) Where the complaint is considered to be of a serious or exceptional nature **[paragraph 4(1)]**, the PCC must refer the complaint to the IPCC. Similarly, it must do so if the IPCC so requests **[paragraph 4(2)]**. Responsibility for dealing with the complaint then falls to the IPCC. Sometimes the IPCC will refer less serious complaints back to a PCC.

- (b) Subject to (a) above the PCC will decide whether to deal with the complaint:
- By local resolution **[paragraph 8]**
 - By voluntarily referring the matter to the IPCC **[paragraph 4(2) and (3)]**
 - By full investigation **[paragraph 16]**; or
 - In some other way or by taking no action in respect of it **[paragraph 7]**
-

11. Local Resolution. This is normally only possible if the Complainant consents. Local resolution is possible only if the PCC is satisfied that the conduct complained of, even if proved, would **not** justify the bringing of criminal or disciplinary proceedings. The use of local resolution is covered in the IPCC guidance. It is unlikely to be appropriate to resolve locally a complaint made against the Chief Constable. However, if the PCC takes this option, the Chief Executive will appoint an appropriate person to attempt to resolve the complaint. It will be paramount to ensure that the Complainant has freely given consent to deal with the matter in this way.
12. Voluntary referral to the IPCC. The complaint can be referred to the IPCC on specified grounds, even where there is no obligation so to do. The IPCC may refer the matter back to the PCC or supervise the investigation of the matter or manage the investigation of the matter, or undertake the investigation itself **[paragraph 17-19]**.
13. Full investigation. If the PCC decides to deal with the complaint by full investigation, a police officer will be appointed to investigate the matter. The officer must not be a person under the direction and control of the Chief Constable **[paragraph 16(4)]**. Nor shall the officer appointed be of less rank than the Chief Constable. The Terms of Reference for the investigation will be determined by the PCC. All subsequent determinations flowing from that principal decision will be the responsibility of the Chief Executive until receipt of the final report of the investigation.
14. Some other way **[paragraph 7(i)]**. If the PCC decides to deal with the complaint in some other way, or to take no action in respect of it, the PCC will notify the complainant accordingly **[paragraph 7(2)]**. The complainant has a right of appeal to the IPCC against such a decision by the PCC **[paragraph 7(8)]**. In relation to certain complaints the PCC must obtain the consent of the IPCC to deal with it otherwise than in accordance with Schedule 3 of the PRA02 **[paragraph 7(1A)]**. If the IPCC grants such a consent, there is no right of appeal against a decision of the PCC as to how the complaint is to be handled **[paragraph 7(10)]**. Neither is there any right of appeal if the complaint relates to a direction and control matter **[paragraph 7(ii)]**.

Stage 3 – Report of Investigation

15. If an investigation is carried out, then upon receipt of the final report of the investigation the PCC will consider the report.

Appendix 2

The Chief Constable

The Chief Constable is responsible for disciplinary matters and handling complaints against police officers, up to and including the Deputy Chief Constable. The PCC has a duty to monitor these complaints. The Chief Constable is supported by the Professional Standards Department.

Contact details:

Professional Standards and Legal Services Department
Norfolk Constabulary
Jubilee House
Falconers Chase
Wymondham
Norfolk
NR18 0WW
(email: psd@norfolk.pnn.police.uk)

The Independent Police Complaints Commission

The Independent Police Complaints Commission (IPCC) was established by the Police Reform Act 2002. The IPCC may choose to independently investigate the most serious incidents, manage an investigation by the police or supervise such an investigation.

The IPCC has the following powers:

- In relation to conduct matters concerning the PCC, to direct that a conduct matter be recorded where a PCP has not done so.
- In relation to complaints and conduct matters made about the PCC, the ability to call in complaints and conduct matters where a PCP has not referred them.
- Responsibility for deciding whether allegations of a criminal offence concerning relevant officeholders (i.e. PCC or Deputy PCC etc.) should be investigated and, if so, how i.e. managed or independent investigation.
- Powers to conduct an independent investigation, or manage a police investigation.
- To refer an investigation report to the Crown Prosecution Service where it appears that a crime may have been committed by the relevant office holder / where it is considered appropriate in the circumstances to do so. Note: IPCC investigations will not lead directly to any 'disciplinary' outcomes for a relevant office holder, though they may be required by their PCP to answer questions about the IPCC's findings.

The IPCC will not:

- Deal with any complaints or conduct matters that do not involve an allegation of criminal behaviour by a relevant office holder.

Contact Details:

The Independent Police Complaints Commission
PO Box 473
Sale
M33 0BW

The Police and Crime Panel

The Chief Executive has delegated authority from the Police and Crime Panel to undertake the initial handling of complaints. Complaints will be referred by the Chief Executive to the Panel, which comprises elected members from Norfolk County Council, as required.

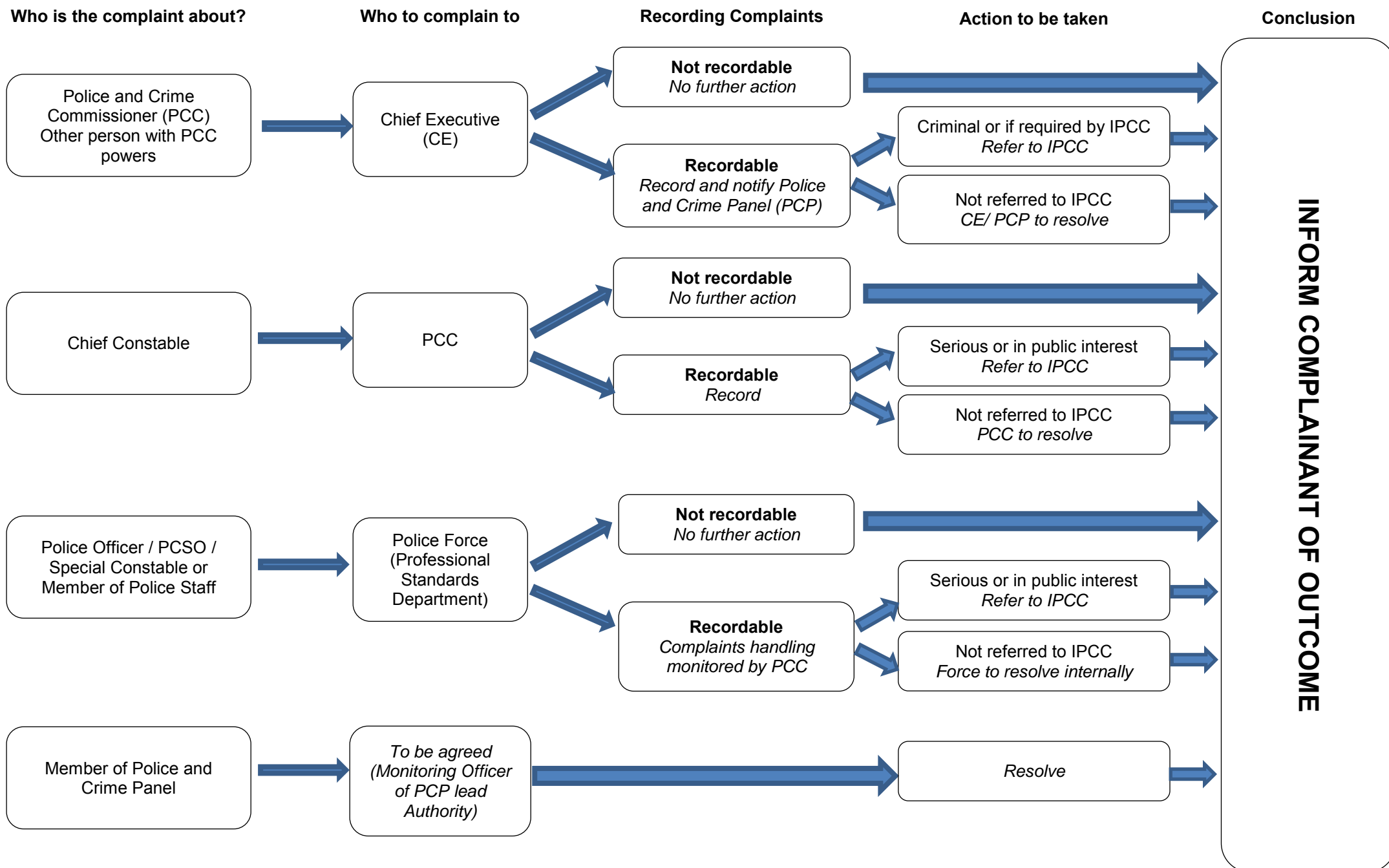
Further information about the Panel's complaints procedure can be found within this document - [Complaints Procedure - Norfolk Police and Crime Panel](#)

The administration of the Panel rests with Norfolk County Council. The current chair of the Panel is Councillor Alec Byrne (Norfolk County Council).

Contact Details:

Norfolk Police and Crime Panel
Norfolk County Council
County Hall
Martineau Lane
Norwich
Norfolk
NR1 2DH

HANDLING OF COMPLAINTS



Appendix 3

A chronology of events regarding the receipt and subsequent handling of this complaint is outlined below in order to provide an overview of the history to the complaint:

- 1.1 Complaints received on 8 November 2013 and 11 November 2013 from one complainant regarding the PCCs claims for travel expenses.
- 1.2 Police and Crime Panel made a determination on the 25 November 2013 to conduct a mandatory IPCC referral in line with complaints procedure.
- 1.3 OPCCN submit IPCC Referral Form 7.1 to the IPCC on 3 December 2013
- 1.4 IPCC writes to the OPCCN on 19 March 2014 requesting the Police and Crime Panel make a formal determination to whether complaint is serious offence and would necessitate a mandatory referral.
- 1.5 OPCCN writes to the IPCC on 14 April 2014 asking IPCC to make a determination as to whether an investigation is required. Confirmation provided by OPCCN that the Police and Crime Panel deemed the complaint to relate to the alleged commission of a serious offence.
- 1.6 IPCC writes to the OPCCN on 18 June 2014 outlining their decision to conduct an externally managed investigation to ascertain if an offence has been committed.
- 1.7 OPCCN releases press release on 19 June 2014 that the PCC is temporarily stepping aside from his post whilst the IPCC conducts a managed investigation into an allegation relating to his expense claims.
- 1.8 OPCCN writes to the IPCC on 24 June 2014 outlining factual inaccuracies with regards to correspondence with the OPCCN and details contained within the IPCC media release.
- 1.9 OPCCN writes to the IPCC on 27 June 2014 to advise the IPCC that there are two other complaints currently being managed locally and that the Police and Crime Panel wished to make them aware of these two complaints so they could include them in their Terms of Reference for the managed investigation.
- 1.10 Statement issued to Police and Crime Panel on 4 July 2014 on behalf of PCC outlining his decision to return to full duties on 7 July 2014 after the report and legal advice provided to the Panel regarding the legislation when it comes to a PCC stepping aside or taking a leave of absence.
- 1.11 IPCC writes to the OPCCN on 21 July 2014 in response to OPCCN letter dated 24 June 2014 outlining that the IPCC did not believe their press release was inaccurate.

- 1.12 IPCC Casework Manager emails the OPCCN on 30 July 2014 asking for the two other complaints mentioned in the OPCCN letter dated 27 June 2014 be referred via IPCC referral form 7.1
- 1.13 OPCCN emails the IPCC Casework Manager on 1 August 2014 outlining that the two complaints are not deemed serious complaints by the Police and Crime Panel and have been sent to the IPCC as additional information for consideration alongside the referral and subsequent terms of reference for the managed investigation. Confirmation provided that both complaints will be held in abeyance until the outcome of the IPCC managed investigation.
- 1.14 IPCC Casework Manager emails the OPCCN on 11 August 2014 advising that the information pertaining to the two additional complaints held in abeyance have been passed to the investigator managing the investigation by City of London police for their information.
- 1.15 One of the complainants whose complaint is currently being held in abeyance withdraws their complaint on 18 August 2014.
- 1.16 The IPCC Lead Investigator writes to the OPCCN on 27 October 2014 to advise that the City of London Police has completed their final report and this has been sent to the IPCC Commissioner for review.
- 1.17 IPCC Lead Investigator writes to the OPCCN and Councillor Byrne on 11 November 2014 to advise that a meeting has taken place with the IPCC Commissioner and that the report should be finalised within the next three weeks.
- 1.18 IPCC Lead Investigator emails the OPCCN on 18 December 2014 to advise that the final report was completed on 15 December 2014 and has been submitted to the IPCC Commissioner and he will make his determination by 22 December 2014.
- 1.19 IPCC Commissioner writes to Councillor Byrne on 22 December 2014 and sends copy of the final IPCC report to the OPCCN.
- 1.20 IPCC press release dated 23 December 2014 outlining that the report is being prepared for publication and that no referral to the Crown Prosecution Service (CPS) will be made as there is no evidence of a criminal offence being committed.
- 1.21 OPCCN writes to the complainant whose complaint was referred to the IPCC and to the complainant whose complaint has been held in abeyance on 23 December 2014 to advise of the IPCC press release and that the IPCC report is expected to be released in January 2015.
- 1.22 OPCCN emails IPCC Lead Investigator on 2 January 2015 with response to having reviewed the IPCC report and attaching representations.

- 1.23 IPCC Lead Investigator emails OPCCN on 6 January 2015 stating the Commissioner has accepted most of the representations and advising that OPCCN will be notified regarding the release date of the report.
- 1.24 OPCCN emails IPCC Lead Investigator on 26 January 2015 asking for an update on progress with regards to the publication of the IPCC report.
- 1.25 IPCC Lead Investigator emails OPCCN on 13 February 2015 with a copy of the final IPCC report. A copy of the report is also sent to the complainant by the IPCC.
- 1.26 IPCC publishes the report on their website and issues a press release on 17 February 2015.



Chief Finance Officer
FAO Mr J Hummersone
Office of the Police and Crime Commissioner for Norfolk
Jubilee House
Falconers Chase
Wymondam
Norfolk NR18 OWW

22 January 2014

Dear Chief Finance Officer,

Final Report of factual findings in respect of Norfolk Police & Crime Commissioner's expenses.

This report is produced in accordance with the terms of our agreement dated 18th November 2013.

We have performed the procedures agreed with you and listed below in respect of Norfolk Police & Crime Commissioner's (NPCC) expenses claimed since November 2012. Our work was performed in accordance with the International Standard on Related Services (ISRS) 4400 'Engagements to perform agreed-upon procedures regarding financial information.' The procedures were performed solely to assist the Office of the Police and Crime Commissioner for Norfolk (OPCCN) establish the facts relating to a recent media report regarding the NPCC's expenses since commencement of office on 22nd November 2012. We performed the following procedures:

Understanding of, and compliance with, the approved OPCCN travel policy by the NPCC since commencement of office on 22nd November 2012:

- We will confirm whether the OPCCN travel and expense policies were constructed, approved and published following the NPCC's commencement of office on 22nd November 2012.
- We will confirm whether the OPCCN provided written approval regarding the NPCC's designated office location for tax purposes. We will report any third party tax advice sought by the OPCCN but will not conclude upon the appropriateness of this decision.

Verification and approval of NPCC expense claims paid since 22nd November 2012 by OPCCN and/or Norfolk Constabulary management:

- We will confirm whether all expenses paid to the NPCC since commencement of office on 22nd November 2012 were in line with the approved OPCCN travel and expense policies and limits.
- We will confirm whether all expenses paid were subject to verification and approval by appropriate management within the OPCCN and/or Norfolk Constabulary.

- We will establish the extent to which management within the OPCCN and/or Norfolk Constabulary verify the existence / occurrence of travel expenses as part of the verification and approval process.

Complete and accurate recording of taxable expenses paid to the NPCC since commencement of office on 22nd November 2012 (if applicable):

- We will understand the OPCCN's process for identifying and recording taxable expenses (if relevant).
- We will confirm that all expenses claimed by the NPCC are publicly available and whether the reasons for any rejected claims (if applicable) are also publicly available.

Completeness and accuracy of calculation regarding the expenses repayable by the PCC, for the period 22nd November 2012 to 15th November 2013, as calculated by the OPCCN:

- We will understand and report the repayment calculation methodology adopted by the OPCCN in relation to the PCCs repayment of expenses over the period 22nd November 2012 to 15th November 2013.
- We will review the completeness and accuracy of this repayment calculation, as performed by the OPCCN and verified by the NPCC.

Based on the above procedures we found:

Understanding of, and compliance with, the approved OPCCN travel policy by the NPCC since commencement of office on 22nd November 2012:

- **Lack of formal/appropriate policy** – separate interviews were held with Stephen Bett (the Norfolk Police and Crime Commissioner (NPCC)) and Chris Harding (former Chief Executive Officer (CEO)) on Wednesday 20th November 2013. Based on these interviews, together with written signed statements (dated 12-11-13 and 20-11-13) from the former CEO which had been prepared in advance of the interview on the 20th November 2013, and discussions with the Chief Finance Officer (Bob Summers) on 18th November 2013, we have concluded that the NPCC did consult with the former CEO as to an agreed process by which to claim mileage. The process that was verbally agreed was that the NPCC could treat his private residence (based in Thornham, Norfolk) as his permanent work base and therefore any travel from the NPCC's private residence to other locations required as part of the role of the NPCC would be claimable as an expense. However, the former CEO has confirmed he did not seek specialist third party advice (i.e. with the Home Office/HMRC) when providing this advice/guidance to the NPCC and when the NPCC was elected in November 2012 travel patterns for how the NPCC would operate were unknown. This advice/guidance to the NPCC was never formally documented.

When the OPCCN was created in November 2012 the NPCC agreed as a policy that all rules and procedures that were operated by the previous Police Authority would continue until amended. It should also be noted that for all of the NPCC travel claims submitted there is a disclaimer on the expense form to say that all expenses have been incurred in compliance with Force Instructions on travel and subsistence.

The OPCCN has however subsequently published a Travel and Subsistence Expenditure Scheme on its website which outlines high level principles for the types of allowances the NPCC is able to claim in respect of Travel Expenses, Subsistence Expenses and Exceptional Expenses. The document does not provide specific details or guidance upon when mileage

can be claimed by the NPCC, acceptable expense limits (i.e. hotel accommodation) or clarification with regards to social engagements which the NPCC may be required to attend given his public facing role. The document states that expenses must be “*reasonably incurred by the PCC in the exercise of their functions*” and further highlights the need for consideration of value for money in the interests of saving money for the taxpayer. No formal audit trail or decision papers have been observed which evidence a formal review and approval process in relation to this document. There is however an e-mail trail from July 2013 which evidences approval by the NPCC CFO, former CEO and former Deputy CEO for an additional £25 monthly telephone allowance. We have confirmed that both the original and updated Expenditure Scheme has been published on the OPCCN website and is available to public.

- **Tax status of the NPCC** – under the verbal advice/guidance that was agreed as per above, we have already commented on the the process allowed for the NPCC to treat his personal residence as a permanent work base. As part of the discussions when agreeing this verbal policy, it was also discussed that the NPCC should be treated as “Area Based (AB)” for tax purposes. The definition of AB is as follows; where duties are defined by reference to an area, an individual who attends various places in that area of performance and that none of the places the individual visits represents a permanent work place. These initial assumptions for tax purposes are not seen as unreasonable given our understanding of the NPCC's role. However of the 164 line claims we reviewed as part of this review, of which 133 related to mileage and of those, 101 claims relate to travel from the NPCC's home residence to the Wymodham head office as per the ‘place of destination’ for expenses as published on the OPCCN website. Therefore there is a risk that Wymondham could be considered as a permanent work base also due to the frequency of visits. Review of the NPCC's expense claims forms (form AF50) since November 2012 also indicated that the NPCC's usual place of duty was recorded as the Operations and Communications Centre (OCC) at Wymondham up to the end of September 2013. The place of duty has been entered as OCC and Thornham (dual location) for the NPCC's October 2013 claims.

We are aware that the Home Office has been contacted, by the current CEO, to ask if a PCC can treat his/her personal residence as a permanent work space. The Home Office responded on 22 November 2013, quoting reference to the Home Office guidance on expenses which was published on 20 November 2012. This guidance does not specify a yes/no answer to the query we have raised but instead comments on expenses that can and cannot be claimed in the role of the PCC. This guidance does state that mileage can be claimed “where necessary” but gives no further definition. We are aware that the Chief Finance Officer (CFO) has sent a request to HMRC requesting advice/guidance on the AB status and at the time of drafting this document, we are still awaiting a response to that request.

- **CONCLUSION:** There was evidence that the NPCC had consulted with the former CEO to agree a method/process by which to claim expenses. However, no formal sanctioned policy was produced as a result of these conversations and specialist tax advice was not sought by the former CEO before verbally agreeing the method/process with the NPCC.
- **RECOMMENDATIONS:**
 - **Governance/policies** - we are aware that the NPCC is imminently due to be given the use of a police car for work purposes. We strongly urge the current CEO to agree and document a policy and process for how the NPCC should treat mileage/fuel claims as part of the use of such a vehicle, including level of detail and supporting documentation that should be maintained to support expense claims/fuel charges. Such a policy should be informed by consulting with appropriate internal control and tax specialists. The Travel and Subsistence Expenditure Scheme should also be subject to formal review to ensure that

sufficient detail is included and it is fully aligned with Home Office Expenses guidance for PCC's as published 20 November 2012.

- **NPCC tax status** – continue with the communications with HMRC to establish an agreed tax status of the NPCC. NOTE: while this review is not intended to provide specialist tax advice and is indeed outside the scope of work undertaken, we do believe it is necessary to agree the current tax status of the NPCC as there could be a risk to the OPCCN on PAYE/NIC not paid on payments currently made to the NPCC in respect of mileage repaid to date.

MANAGEMENT RESPONSE

- The NPCC does not currently intend to take any use of a fleet car for work purposes.
- HMRC has confirmed that Police HQ at Wymondham is the PCC's permanent workplace.
- The Travel & Expenditure scheme has therefore been reviewed; a new scheme has been approved in December, 2013 and is contained on the OPCCN official website.
- Following clarification from HMRC, appropriate adjustments will be made to tax returns and PCC remuneration to ensure full compliance with HMRC instructions.

Verification and approval of NPCC expense claims paid since 22nd November 2012 by OPCCN and/or Norfolk Constabulary management:

- **Approval in line with policy** – as commented above, the Travel and Subsistence Expenditure Scheme included limited detail as to what could and could not be claimed by the NPCC in relation to expenses for undertaking the NPCC role.
- **Approval** – as part of this review we examined all 22 claims of the NPCC from November 2012 to date, which totalled 164 individual expense lines, with a total value of £ 6,820.60. For each claim, there was written approval from either the former CEO (20 out of 22 claims) or the former Deputy CEO (two out of 22 claims) on the claim form (AF50). Neither Home Office expenses guidance published 20 November 2012 nor the Travel and Subsistence Expenditure Scheme indicate that expenses may be approved by the former Deputy CEO in the absence of the former CEO. One claim submitted by the NPCC on 02/05/2013 was approved by the former CEO but this approval was not dated. One further instance was noted whereby a claim line for 105 miles relating to 28/10/13 was rejected and initialled by the OPCCN Office Manager on the expense form. The reason for rejection was not however noted on the claim form. Further review by PwC established the expense form total mileage was however appropriately reduced from 357 miles to 252 miles. Per discussion with the OPCCN Office Manager, the NPCC had completed his expense claim form for October 2013 in advance, but the meeting did not occur due to bad weather so this element was appropriately removed.
- **Verification** – we reviewed the expense claims between November 2012 to 31 October 2013 to look for evidence that journey details were accurate and complete and were accompanied by adequate evidence to support the journey. We have concluded that the level of detail and supporting evidence on the claim forms could have been much improved. For instance:
 - Mileage claims are not accompanied by specific addresses, route maps or travel itineraries. As a result, mileage claims therefore have a lack of detail regarding routes taken or order in which visits were performed in a given working day. There is also a lack of detail within claim forms as to whether the NPCC shared lifts with other staff/ officers for certain legs of journeys. As result, we were unable to validate mileage has been correctly calculated as we had no exact reference for locations visited and routes taken;

- Nine claim lines were not fully supported by receipts with a total value of £114.60 relating to Car Parking, Taxis and also entry tickets to the Royal Norfolk Show on 26/06/13 and 27/06/13;
 - Three claim lines included incorrect description of the expense, with taxi journeys classified as train tickets and car parking classified as taxi. However, all three claims were supported by appropriate documentation;
 - One claim line for £35 was incorrectly published on the OPCCN website (£30 subsistence and £5 car parking). The purpose of the payment was to cover a parking fine incurred (the penalty charge of £70 was reduced by 50% as paid within 14 days). As per the existing policy, subsistence expense should be only claimed for overnight stay, which in this case did not apply. However, the policy allows for payment of exceptional expense not falling within other pre-defined categories, which has been reasonably incurred in carrying the NPCC role and subject to approval by the CEO. Evidence, in the form of an email from the previous CEO, has been provided to confirm approval was obtained for this expenditure from the CEO, CFO, Deputy CEO and the OPCCN. The OPCCN has subsequently provided evidence which indicates that the NPCC has repaid the amount of £35 (£30 via cheque and the final £5 in cash);
 - We have noted that on a number of occasions the standard mileage of 96 miles (home to OPCCN base) has been entered on the claim, but review of the NPCC's diary suggests other meetings were attended on the date. Due to lack of additional evidence, within the limitations of this audit assignment, we could not confirm if a) the NPCC has received lifts from the OPCCN office or b) decided not to submit any further mileage claim for additional travel. Due to the use of standard 96 miles charge as an approximation of travel in the geographical area around Norwich / Wymondham, the mileage may be inaccurate (both over / understated). We have confirmed one occasion for travel for a meeting in Norwich, where it is reasonable to assume Wymondham office was not visited (due to the meeting held on Sunday), which would mean the mileage claim was nine miles overpaid (£4.05); and
 - As a result of the lack of detail noted above, it could be concluded that the lack of detail did not allow for the former CEO to effectively discharge his responsibility for rigorous verification and auditing of NPCC expense claims. The above has also led to an inherent limitation as to the validation and appropriateness of the NPCC's expenses as performed by PwC within the limitations of this audit assignment. However, the review of the expense claims has not identified any deliberately misleading claims; and there is circumstantial evidence that the NPCC may not be submitting expense claims for all aspects of his business travel. For example, in July 2013 a claim was made for 13 miles (£5.85) where the review of the expense claim and work diary suggests total mileage incurred was 128 miles (£57.60) based on the postcodes recorded in the diary.
- Both the NPCC and the former CEO have commented, during the interviews held on the 20th November 2013, that in hindsight the level of detail provided on the claims forms and supporting documentation was not adequate. The former CEO also commented that in hindsight, as part of the verification checking process of the claim forms, the NPCC's claim forms should have been returned and further details/supporting information requested.
 - **CONCLUSION:** Each claim form was evidenced as authorised by the former CEO or the former Deputy CEO. However, it could be concluded that the lack of detail did not allow for the former CEO or former Deputy CEO to effectively discharge his/her responsibility for rigorous verification and auditing of NPCC expense claims.
 - **RECOMENDATIONS:**
 - **Validation process** – communications should be sent out to all staff who have a role in validating and authorising expenses that they have an accountability to

ensure compliance with policy and that adequate detail/supporting information is provided as part of the claims submissions process.

- **Supporting information** – adequate records for the travel should be kept in form of a travel log, with information such as destination postcodes recorded. Supporting evidence in form of receipts should be obtained wherever possible. Exceptional expenditure should be appropriately recorded with clear rationale for the payment.

MANAGEMENT RESPONSE

- The newly appointed Chief Finance Officer has taken responsibility for validation of all expenses for all claims within the OPCCN, in conjunction with the Chief Executive.
- A new Travel & Expenditure Scheme is in place. Communications have been sent out to all staff who have a role in validating and authorising expenses, and that they have an accountability to ensure compliance with the scheme and that adequate detail/supporting information is provided as part of the claims submissions process.
- Adequate records for all travel claims, also supporting evidence in the form of receipts, will be managed in the form of a travel log/file.
- Any exceptional expenditure will be appropriately recorded and signed off by the Chief Finance Officer in conjunction with the Chief Executive.

Complete and accurate recording of taxable expenses paid to the NPCC since commencement of office on 22nd November 2012 (if applicable):

- **Process for identifying taxable expenses** – to date, the only taxable expenses paid to the NPCC include a total of £70 in round sum subsistence allowances paid in 2012/13 and a total of £200 for the NPCC's monthly telephone allowance paid in 2013/14. The telephone allowance has been paid at a rate of £25 per months for the eight months April 2013 to November 2013 inclusive. To date all mileage paid to the NPCC has been classified as non-taxable.
- **Publication of expense details for the PCC** – expense claims which have been reimbursed directly to the NPCC, per review of the NPCC's payslips, have all been published on the OPCCN website with the exception of two claim lines with a total value of £26.00 In addition, one mileage claim on the OPCCN website for 25/09/13 was displayed as 96 miles and £57.60 as opposed to the 128 miles and £57.60 (@ 45 pence per mile). Following discussions with management, this is believed to be a typographical error in relation to the mileage field of the spreadsheet published on the OPCCN website.

It is further noted that travel and accommodation procured by Executive Assistant / Office Support Team on behalf of the NPCC (for example hotel accommodation and train tickets) have not all always been disclosed on the OPCCN website due to lack of clear guidance on what information should be published. For example, the expenses paid directly through the Government Procurement Card have been £1,581.11 in 2013 to date and have not been published on the website..

- **CONCLUSION:** Only round sum allowances paid to the NPCC have been classified as taxable expenses. To date, none of the mileage payments made to the NPCC have been classified as taxable expenses. The OPCCN published expenses which had been reimbursed directly to the NPCC, with a few minor discrepancies noted as detailed above. Details of travel and accommodation procured by Executive Assistant / Office Support Team on behalf of the NPCC have not however been fully publicised due to lack of clear policy and guidance.

- **RECOMENDATIONS:**

- **Tax treatment** - Undertake further consultation with the Home Office and/or HMRC to agree the tax treatment of the NPCCs mileage expenses and assess whether the OPCCN is exposed to any historic tax liabilities /penalties.
- **Publication** - Consider the requirement to publish all expenses incurred by the OPCCN in respect of the PCCs activities.

MANAGEMENT RESPONSE

- HMRC have confirmed that Police HQ at Wymondham is the PCC's permanent workplace.
- Following clarification from HMRC, appropriate adjustments will be made to tax returns and PCC remuneration to ensure full compliance with HMRC instructions.
- The Travel & Expenditure scheme has therefore been reviewed; a new policy has been approved and is contained on the OPCCN official website.
- All expenses incurred by the OPCCN in respect of the PCCs activities are on the OPCCN official website in the Finance Section, under 'Police and Crime Commissioners Expenses'.

Completeness and accuracy of calculation regarding the expenses repayable by the PCC, for the period 22nd November 2012 to 15th November 2013, as calculated by the OPCCN:

- In the period November 2012 to October 2013 the NPCC claimed 12,505 miles at 45 pence per mile which equates to £5,627.25.
- The OPCCN repayment calculation (based upon the below methodology) and subsequent response from the NPCC's secretary has indicated that the NPCC is to repay a total of 6,144 miles at 45 pence per mile. This equates to £2,764.80. Please see PwC comments in relation to this calculation within Appendix 1 which indicates that the OPCCN may wish to consider a net reduction in the proposed repayment by 384 miles. It is however the responsibility of the OPCCN to consider the comments within Appendix 1 and make a judgment based upon the limited evidence available.
- The OPCCN has provided PwC with the following repayment calculation methodology:
 - Where the first business is conducted by the NPCC at a location other than the Wymondham campus, full business mileage for the day is allowed (regardless of the location of subsequent meetings);
 - Where the first meeting of the day is held at Wymondham campus with no further travel, no mileage shall classify as business mileage; and
 - Where the first meeting of the day is held at Wymondham campus and a subsequent meeting is held at an alternative location. The total business miles claimed for that day shall be reduced by 96 miles from the total mileage claimed for that day.
- We have reviewed supporting evidence (as above), with comments for each month calculation recorded in Appendix 1. However, due to the nature of the calculation, the supporting evidence to confirm completeness and accuracy of the calculation consists of the NPCC's work diary and the expense claims. We have not validated the completeness and accuracy of the diary entries and during our work we have made the following assumptions:
 - The PwC review has been based upon the assumption that the NPCC has not received lifts from other staff / officers to meeting locations, unless this has been noted within the NPCC's diary;

- PwC has assumed that no stop has been made at the Wymondham campus prior to the first official meeting of the day (unless expense records or the NPCC's diary indicates otherwise). The NPCC has however acknowledged that he regularly collects briefing papers from Wymondham due its enhanced site security; and
- PwC has not independently verified the completeness or accuracy of the NPCC's diary, including the NPCC's attendance at scheduled events.
- As agreed with the OPCCN, CEO and CFO, PwC is ultimately unable to verify the accuracy of the proposed refunds without further considerable work due to limited level of detail in the existing records for both expense claims and NPCC's diary.
- The repayment calculation proposed by OPCCN has been designed only for the claims made between November 2012 and October 2013 and is not proposed to be used as methodology for expense claims made in future. The above repayment methodology is based upon an internal decision by the OPCCN. PwC has not reviewed the appropriateness of the repayment methodology and at the fieldwork date no third party guidance had been received regarding the legitimacy of the repayment decision.
- A separate, new expense policy is being formed by the OPCCN which will provide the NPCC with detailed guidance on what expenses can be claimed in future. We expect that this policy will reflect guidance received by OPCCN from the Home Office and HMRC.
- **CONCLUSION:** The initial repayment calculation as performed by the PCC CFO and updated by the NPCC indicated a potential repayment for 6,144 miles covering the period November 2013 to October 2013. PwC comments in relation to this calculation (within Appendix 1) indicate that the OPCCN may wish to consider a net reduction in the proposed repayment by 384 miles. It is however the responsibility of the OPCCN to consider the comments within Appendix 1 and make a judgment based upon the limited evidence available.
- **RECOMMENDATIONS:**
 - Consider whether to progress with the proposed repayment decision for historic mileage claims with reference to comments within Appendix 1.

MANAGEMENT RESPONSE

- I can confirm the final figure calculated amounted to £2,721.60, this full figure was paid back by the PCC in December, 2013 and the difference in calculation is resulting in further clarification of travel expenses contained in Appendix 2.

Our procedures, as stated in our agreement, did not constitute an examination made in accordance with generally accepted auditing standards, the objective of which would be the expression of assurance on the proposed repayments. We do not express such assurance. Had we performed additional procedures, other matters might have come to our attention that we would have reported to you. This report relates only to matters specified within our report.

This report is solely for your use in connection with the purpose specified above and as set out in our agreement. We do not accept any liability or responsibility to any third party.

Yours faithfully,

PricewaterhouseCoopers LLP

PricewaterhouseCoopers LLP, Chartered Accountants, Norwich, 22 January 2014

Appendix 1

This appendix provides a breakdown, by month, of the NPCC mileage repayment as proposed by the PCC CFO and reviewed by the NPCC. The appendix also includes any PwC review comments, where applicable, based on the methodology outlined in the main body of this report.

Month for which NPCC mileage claims relate.	Miles to repay per email from the NPCC's secretary dated 20/11/13. This is the initial request from the PCC CFO using the repayment methodology outlined above with any amendments as confirmed by the NPCC.	PwC repayment calculation review comments.	Mileage potentially affected by PwC repayment calculation comments.
November 2012	2 days at 96 miles = 192 miles repayment	The repayment calculation for November 2012 appears reasonable based upon the limited information available.	Not applicable.
December 2012	3 days at 96 miles = 288 miles repayment	Per the NPCC's diary the first official meeting held on 14/12/12 was at Norfolk County Hall which has been requested to be repaid. There is however no documented evidence as to whether the NPCC visited the Wymondham campus first per the assumptions above.	96 miles - Potential query to reduce repayment.
January 2013	6 days at 96 miles = 576 miles repayment	Per the NPCC's diary the first official meeting held on 31/01/13 was at the Norfolk County Hall which has been requested to be repaid. There is however no documented evidence as to whether the NPCC visited the Wymondham campus first per the assumptions above.	96 miles - Potential query to reduce repayment.

Month for which NPCC mileage claims relate.	Miles to repay per email from the NPCC's secretary dated 20/11/13. This is the initial request from the PCC CFO using the repayment methodology outlined above with any amendments as confirmed by the NPCC.	PwC repayment calculation review comments.	Mileage potentially affected by PwC repayment calculation comments.
February 2013	6 days at 96 miles = 576 miles repayment	<p>Per the NPCC's diary the first official meeting held on 28/2/13 was at Kings Lynn at 11.00am which has been requested to be repaid.</p> <p>There is however no documented evidence as to whether the NPCC visited the Wymondham campus first per the assumptions above.</p>	96 miles - Potential query to reduce repayment.
March 2013	5 days at 96 miles = 480 miles repayment	<p>Per the NPCC's diary the first official meeting held on 5/3/13 was at Acle High School which has been requested to be repaid.</p> <p>Per the NPCC's diary the first official meeting held on 25/3/13 was at De Vere Dunston Hall which has been requested to be repaid.</p> <p>For both meetings, there is however no documented evidence as to whether the NPCC visited the Wymondham campus first per the assumptions above.</p>	192 miles - Potential query to reduce repayment.
April 2013	5 days at 96 miles = 480 miles repayment	The NPCC claimed 96 miles on 25/5/13 for which the NPCC's diary states that Community Engagement Meetings were held in Dereham and Fakenham. If the NPCC subsequently visited the Wymondham campus then this mileage amount may have been	Unable to quantify.

Month for which NPCC mileage claims relate.	Miles to repay per email from the NPCC's secretary dated 20/11/13. This is the initial request from the PCC CFO using the repayment methodology outlined above with any amendments as confirmed by the NPCC.	PwC repayment calculation review comments.	Mileage potentially affected by PwC repayment calculation comments.
		<p>under claimed. If the NPCC did not subsequently visit the Wymondham campus then this mileage amount may be over claimed. PwC is unable to conclude given the level of evidence currently available.</p> <p>In addition, no expense claim has been observed for Special Constables Annual Training weekend for which the NPCC's diary indicates was attended on Saturday 20/4/13.</p>	
May 2013	5 days at 96 miles = 480 miles repayment	The NPCC claimed 96 miles on 1/5/13 for home to office mileage. This has not been requested to be repaid by the NPCC in the calculation provided to PwC.	96 miles - Potential query to increase repayment.
June 2013	6 days at 96 miles = 576 miles repayment	The repayment calculation for June 2013 appears reasonable based upon the limited information available.	Not applicable.
July 2013	9 days at 96 miles = 864 miles repayment	The PCC claimed 144 miles on 8/7/13 for a trip to the Cambridgeshire PCC at Cambourne. This has not been requested to be repaid by the NPCC in the calculation provided to PwC although the NPCCs diary indicated that the first business meeting that day was at Wymondham.	96 miles - Potential query to increase repayment.

Month for which NPCC mileage claims relate.	Miles to repay per email from the NPCC's secretary dated 20/11/13. This is the initial request from the PCC CFO using the repayment methodology outlined above with any amendments as confirmed by the NPCC.	PwC repayment calculation review comments.	Mileage potentially affected by PwC repayment calculation comments.
August 2013	4 days at 96 miles = 384 miles repayment	The NPCC claimed 120 miles on 08/08/13 for interviews held at Dunston Hall. The NPCCs diary however states that interviews for the new Chief Executive were held at the NPCC meeting room all day.	Unable to quantify.
September 2013	9 days at 96 miles = 864 miles repayment	The repayment calculation for September 2013 appears reasonable based upon the limited information available.	Not applicable.
October 2013	4 days at 96 miles = 384 miles repayment	The NPCC claimed 140 miles on 14/10/13 in relation to the Eastern Region Collaboration Meeting, Cambourne. This has been requested to be repaid by the NPCC. There is however no documented evidence as to whether the NPCC visited the Wymondham campus first per the assumptions above.	96 miles - Potential query to reduce repayment.
	Total repayment miles = 6,144		Potential adjustment for the OPCCN to consider in relation to PwC comments = net reduction in repayment of 384 miles

Appendix 2

NOTE: this appendix has been updated from Appendix 1 to take account of the CEO consideration and conclusions of the original PwC calculations (please refer to Appendix 1).

Month for which NPCC mileage claims relate.	Miles to repay per email from the NPCC's secretary dated 20/11/13. This is the initial request from the PCC CFO using the repayment methodology outlined above with any amendments as confirmed by the NPCC.	PwC repayment calculation review comments.	Mileage potentially affected by PwC repayment calculation comments.
November 2012	2 days at 96 miles = 192 miles repayment	The repayment calculation for November 2012 appears reasonable based upon the limited information available.	Not applicable.
December 2012	3 days at 96 miles = 288 miles repayment	Per the NPCC's diary the first official meeting held on 14/12/12 was at Norfolk County Hall which has been requested to be repaid. There is however no documented evidence as to whether the NPCC visited the Wymondham campus first per the assumptions above.	96 miles -Potential query to reduce repayment.
January 2013	6 days at 96 miles = 576 miles repayment	Per the NPCC's diary the first official meeting held on 31/01/13 was at the Norfolk County Hall which has been requested to be repaid.	96 miles -Potential query to reduce repayment.

Month for which NPCC mileage claims relate.	Miles to repay per email from the NPCC's secretary dated 20/11/13. This is the initial request from the PCC CFO using the repayment methodology outlined above with	PwC repayment calculation review comments.	Mileage potentially affected by PwC repayment calculation comments.
		There is however no documented evidence as to whether the NPCC visited the Wymondham campus first per the assumptions above.	
February 2013	5 days at 96 miles = 480 miles repayment	Per the NPCC's diary the first official meeting held on 28/2/13 was at Kings Lynn at 11.00am which has been requested to be repaid. There is however no documented evidence as to whether the NPCC visited the Wymondham campus first per the assumptions above.	96 miles -Potential query to reduce repayment.
March 2013	4 days at 96 miles = 384 miles repayment	Per the NPCC's diary the first official meeting held on 5/3/13 was at Acle High School which has been requested to be repaid. Per the NPCC's diary the first official meeting held on 25/3/13 was at De Vere Dunston Hall which has been requested to be repaid. For both meetings, there is however no documented evidence as to whether the NPCC visited the Wymondham campus first per the assumptions above.	192 miles -Potential query to reduce repayment.

Month for which NPCC mileage claims relate.	Miles to repay per email from the NPCC's secretary dated 20/11/13. This is the initial request from the PCC CFO using the repayment methodology outlined above with	PwC repayment calculation review comments.	Mileage potentially affected by PwC repayment calculation comments.
April 2013	5 days at 96 miles = 480 miles repayment	The NPCC claimed 96 miles on 25/5/13 for which the NPCC's diary states that Community Engagement Meetings were held in Dereham and Fakenham. If the NPCC subsequently visited the Wymondham campus then this mileage amount may have been under claimed. If the NPCC did not subsequently visit the Wymondham campus then this mileage amount may be over claimed. PwC is unable to conclude given the level of evidence currently available. In addition, no expense claim has been observed for Special Constables Annual Training weekend for which the NPCC's diary indicates was attended on Saturday 20/4/13.	Unable to quantify.
May 2013	6 days at 96 miles = 576 miles repayment	The NPCC claimed 96 miles on 1/5/13 for home to office mileage. This has not been requested to be repaid by the NPCC in the calculation provided to PwC.	96 miles -Potential query to increase repayment.
June 2013	6 days at 96 miles = 576 miles repayment	The repayment calculation for June 2013 appears reasonable based upon the limited information available.	Not applicable.

Month for which NPCC mileage claims relate.	Miles to repay per email from the NPCC's secretary dated 20/11/13. This is the initial request from the PCC CFO using the repayment methodology outlined above with	PwC repayment calculation review comments.	Mileage potentially affected by PwC repayment calculation comments.
July 2013	10 days at 96 miles = 960 miles	The PCC claimed 144 miles on 8/7/13 for a trip to the Cambridge PCC at Cambourne. This has not been requested to be repaid by the NPCC in the calculation provided to PwC although the NPCCs diary indicated that the first business meeting that day was at Wymondham.	96 miles -Potential query to increase repayment.
August 2013	4 days at 96 miles = 384 miles repayment	The NPCC claimed 120 miles on 8/8/13 for interviews held at Dunston Hall. The NPCCs diary however states that interviews for the new Chief Executive were held at the NPCC meeting room all day.	Unable to quantify.
September 2013	9 days at 96 miles = 864 miles repayment	The repayment calculation for September 2013 appears reasonable based upon the limited information available.	Not applicable.
October 2013	3 days at 96 miles = 288 miles repayment	The NPCC claimed 140 miles on 14/10/13 in relation to the Eastern Region Collaboration Meeting, Cambourne. This has been requested to be repaid by the NPCC. There is however no documented evidence as to whether the NPCC visited the Wymondham campus first per the assumptions above.	96 miles -Potential query to reduce repayment.

Month for which NPCC mileage claims relate.	Miles to repay per email from the NPCC's secretary dated 20/11/13. This is the initial request from the PCC CFO using the repayment methodology outlined above with	PwC repayment calculation review comments.	Mileage potentially affected by PwC repayment calculation comments.
	Total repayment miles = 6,144 Total repayment miles = 6,048 6,048 x £0.45 = £2,721.60		Potential adjustment for the OPCCN to consider in relation to PwC comments = net reduction in repayment of 384 miles

Justification

In consideration of the above table:

The final repayment miles calculated = 6,048 miles

This equates to a final repayment sum of £ 2,721.60



External File Note to the Office of the Police & Crime Commissioner for Norfolk

This report has been prepared solely for Norfolk Police & Crime Commissioner (NPCC) in accordance with the terms and conditions set out in our engagement letter dated 19th March 2012 and contract variation letter which took effect from 1st January 2013. We do not accept or assume any liability or duty of care for any other purpose or to any other party. This report should not be disclosed to any third party, quoted or referred to without our prior written consent. **This report has been issued in draft and therefore findings are subject to amendment or withdrawal. Our definitive conclusions will be those contained in the final file note**

Our Internal audit work has been performed in accordance with Public Sector Internal Audit Standards, As a result, our work and deliverables are not designed or intended to comply with the International Auditing and Assurance Standards Board (IAASB), International Framework for Assurance Engagements (IFAE) and International Standard on Assurance Engagements (ISAE) 3000.

To:
Mark Stokes (PCC Chief Executive)
John Hummersone (PCC & CC Chief Finance Officer)

CC: Audit Committee

From:
Lynn Yallop (Head of Internal Audit)

Date: 23rd February 2015

Subject: Internal Audit Review (1415_005) – PCC Expenses follow up

Background:

The 2014/15 Expenses internal audit review (ref. 1415_005) included a follow-up upon the recommendations raised within the agreed-upon procedures review performed surrounding the Police and Crime Commissioner's (PCC's) expenses in December 2013. The OPCCN Chief Executive has subsequently asked internal audit to summarise results of this PCC expenses follow up testing in an external file for the benefit of the Police & Crime Panel.

For full details relating to the scope, limitations and responsibilities of this review please refer to the Expenses internal audit report (ref. 1415_005).

Summary Findings:

Our review has established that **of the four key findings** from the prior year PCC expenses review:

- Management has **fully implemented** agreed actions in relation to all **four findings**. Please refer to **Appendix 1** for full details.

The following observations have been noted regarding the follow up review in relation to the PCC's expenses agreed upon procedures review performed in November and December 2013:

- HMRC has confirmed that Police HQ at Wymondham is the PCC's permanent workplace. This is informing the current PCC mileage payment procedure.
- The OPCCN has documented, reviewed and published a revised Travel and Expenditure scheme for the PCC. The document was published in February 2014 and made available on the OPCCN website.
- Through testing performed on the PCC's expense claims for June and August 2014 it has been confirmed that:
 - (i) appropriate authorisation was obtained in line with policy published in February 2014;
 - (ii) claims were supported by receipts and mileage claims were supported by diary entries and route planner print outs. These are held in a central file at the OPCCN; and
 - (iii) accurate expenses had been published on the OPCCN website.

Further detail regarding actions taken by the OPCCN and work performed by internal audit is included in the following table.

Next Steps:

To note the findings above and continue to apply robust control processes in relation to the PCC's expenses.

Please do not hesitate to contact me with any queries.

Yours sincerely



Lynn Yallop
Head of Internal Audit

Appendix 1:

No	Testing area and conclusion	Recommendations	Management Response and November 2014 status update
1	<p>Understanding of, and compliance with, the approved OPCCN travel policy by the NPCC since commencement of office on 22nd November 2012:</p> <p>There was evidence that the NPCC had consulted with the former CEO to agree a method/process by which to claim expenses. However, no formal sanctioned policy was produced as a result of these conversations and specialist tax advice was not sought by the former CEO before verbally agreeing the method/process with the NPCC.</p>	<ul style="list-style-type: none"> • Governance/policies - we are aware that the NPCC is imminently due to be given the use of a police car for work purposes. We strongly urge the current CEO to agree and document a policy and process for how the NPCC should treat mileage/fuel claims as part of the use of such a vehicle, including level of detail and supporting documentation that should be maintained to support expense claims/fuel charges. Such a policy should be informed by consulting with appropriate internal control and tax specialists. The Travel and Subsistence Expenditure Scheme should also be subject to formal review to ensure that sufficient detail is included and it is fully aligned with Home Office Expenses guidance for PCC's as published 20 November 2012. • NPCC tax status – continue with the communications with HMRC to establish an agreed tax status of the NPCC. NOTE: while this review is not intended to provide specialist tax advice and is indeed outside the scope of work undertaken, we do believe it is necessary to agree the current tax status of the NPCC as there could be a risk to the OPCCN on PAYE/NIC not paid on payments currently made to the NPCC in respect of mileage repaid to date. 	<p>Management Response:</p> <ol style="list-style-type: none"> 1. The NPCC does not currently intend to take any use of a fleet car for work purposes. 2. HMRC has confirmed that Police HQ at Wymondham is the PCC's permanent workplace. 3. The Travel & Expenditure scheme has therefore been reviewed; a new scheme has been approved in December 2013 and is contained on the OPCCN official website. 4. Following clarification from HMRC, appropriate adjustments will be made to tax returns and PCC remuneration to ensure full compliance with HMRC instructions. <p>November 2014 status update:</p> <ol style="list-style-type: none"> 1. The NPCC still has no intention to take use of any fleet car for work purposes. 2. The PCC's permanent workplace is deemed as the OCC in Wymondham. This will be amended should any further guidance be received from HMRC. 3. The OPCCN has documented, reviewed and published a Travel and Expenditure scheme for the Police & Crime Commissioner. The document was published in February 2014 and made available on the OPCCN website (decision paper 2014/001). The key mileage travel rules are as follows: <ul style="list-style-type: none"> ○ All journeys starting from the PCC's home directly to the OCC campus and return are private and cannot be reclaimed; ○ Where the first business is conducted by the PCC at a location other than the OCC, full mileage for

Appendix 1:

No	Testing area and conclusion	Recommendations	Management Response and November 2014 status update
			<p>the day is allowed (regardless of the location of subsequent meetings), but the return journey is a taxable expense if from the OCC campus;</p> <ul style="list-style-type: none"> Where the first meeting of the day is held at the OCC and a subsequent meeting is held at an alternative location, the total miles claimed for that day shall be reduced by the PCC's normal home to office commute. <p>4. No adjustments have been made to tax returns and PCC remuneration. Should the permanent work place of the PCC be amended by HMRC this will be revisited.</p> <p>Result: Fully Implemented.</p>
2	<p>Verification and approval of NPCC expense claims paid since 22nd November 2012 by OPCCN and/or Norfolk Constabulary management:</p> <p>Each claim form was evidenced as authorised by the former CEO or the former Deputy CEO. However, it could be concluded that the lack of detail did not allow for the former CEO or former Deputy CEO to effectively discharge his/her responsibility</p>	<ul style="list-style-type: none"> Validation process – communications should be sent out to all staff who have a role in validating and authorising expenses that they have an accountability to ensure compliance with policy and that adequate detail/supporting information is provided as part of the claims submissions process. Supporting information – adequate records for the travel should be kept in form of a travel log, with information such as destination postcodes recorded. Supporting evidence in form of receipts should be obtained wherever possible. Exceptional 	<p>Management Response:</p> <ol style="list-style-type: none"> The newly appointed Chief Finance Officer has taken responsibility for validation of all expenses for all claims within the OPCCN, in conjunction with the Chief Executive. A new Travel & Expenditure Scheme is in place. Communications have been sent out to all staff who have a role in validating and authorising expenses, and that they have an accountability to ensure compliance with the scheme and that adequate detail/supporting information is provided as part of the claims submissions process. Adequate records for all travel claims, also supporting evidence in the form of receipts, will be managed in the form of a travel log/file.

Appendix 1:

No	Testing area and conclusion	Recommendations	Management Response and November 2014 status update
	for rigorous verification and auditing of NPCC expense claims.	expenditure should be appropriately recorded with clear rationale for the payment.	<p>4. Any exceptional expenditure will be appropriately recorded and signed off by the Chief Finance Officer in conjunction with the Chief Executive.</p> <p>November 2014 status update:</p> <p>1. The authorisation process for PCC expense claims has been agreed and documented by the OPCCN as follows:</p> <ul style="list-style-type: none"> ○ PCC – Claims are authorised by the Chief Executive following review by the Chief Finance Officer; ○ Deputy PCC – Claims are authorised by the Chief Executive; ○ Chief Executive – Claims are authorised by the Chief Finance Officer; ○ Chief Finance Officer – Claims are authorised by the Chief Executive; ○ OPCCN staff – Claims are reviewed and authorised by the Senior Business Support Officer. <p>This has been evidenced through testing performed on the PCC's expense claims for June and August 2014.</p> <p>2. The PCC has documented, reviewed and published a Travel and Expenditure scheme for the Police & Crime Commissioner. The document was published in February 2014 and made available on the OPCCN website. A process note to support this has been drafted and communicated to all staff.</p> <p>3. All travel claims made by the PCC are supported by receipts and mileage claims are supported by diary entries and route planner print outs. These are all held in a central file for the PCC or by finance for all other OPCCN staff. This has been evidenced through testing performed on the PCC's expense claims for June and August 2014.</p> <p>5. All expenses, including exceptional expenditure are compiled</p>

Appendix 1:

No	Testing area and conclusion	Recommendations	Management Response and November 2014 status update
			<p>through discussion with the PCC by the Senior Business Support Officer, before being reviewed by the Chief Finance Officer before being subject to review and scrutiny by the Chief Executive.</p> <p>Result: Fully Implemented.</p>
3	<p>Complete and accurate recording of taxable expenses paid to the NPCC since commencement of office on 22nd November 2012 (if applicable):</p> <p>Only round sum allowances paid to the NPCC have been classified as taxable expenses. To date, none of the mileage payments made to the NPCC have been classified as taxable expenses. The OPCCN published expenses which had been reimbursed directly to the NPCC, with a few minor discrepancies noted as detailed above. Details of travel and accommodation procured by Executive Assistant / Office Support Team on behalf of the NPCC have not however been fully</p>	<ul style="list-style-type: none"> • Tax treatment - Undertake further consultation with the Home Office and/or HMRC to agree the tax treatment of the NPCCs mileage expenses and assess whether the OPCCN is exposed to any historic tax liabilities /penalties. • Publication - Consider the requirement to publish all expenses incurred by the OPCCN in respect of the PCCs activities. 	<p>Management Response:</p> <ol style="list-style-type: none"> 1. HMRC have confirmed that Police HQ at Wymondham is the PCC's permanent workplace. 2. Following clarification from HMRC, appropriate adjustments will be made to tax returns and PCC remuneration to ensure full compliance with HMRC instructions. 3. The Travel & Expenditure scheme has therefore been reviewed; a new policy has been approved and is contained on the OPCCN official website. 4. All expenses incurred by the OPCCN in respect of the PCCs activities are on the OPCCN official website in the Finance Section, under 'Police and Crime Commissioners Expenses'. <p>November 2014 status update:</p> <ol style="list-style-type: none"> 1. The PCC's permanent workplace is deemed as the OCC in Wymondham. This will be amended should any further guidance be received from HMRC. 2. No adjustments have been made to tax returns and PCC remuneration whilst awaiting the outcome of the ongoing hearing between HMRC and the PCC. 3. The OPCCN has documented, reviewed and published a Travel and Expenditure scheme for the Police & Crime Commissioner. The document was published in February 2014 and made available on the OPCCN website. 4. All expenses that are claimed by members of the PCC are disclosed on the OPCCN website. This has been evidenced

Appendix 1:

No	Testing area and conclusion	Recommendations	Management Response and November 2014 status update
	publicised due to lack of clear policy and guidance.		for the months of June and August 2014 which were tested in detail during fieldwork. Result: Fully Implemented.
4	<p>Completeness and accuracy of calculation regarding the expenses repayable by the PCC, for the period 22nd November 2012 to 15th November 2013, as calculated by the OPCCN:</p> <p>The initial repayment calculation as performed by the PCC CFO and updated by the NPCC indicated a potential repayment for 6,144 miles covering the period November 2013 to October 2013. PwC comments in relation to this calculation indicate that the OPCCN may wish to consider a net reduction in the proposed repayment by 384 miles. It is however the responsibility of the OPCCN to consider comments and make a judgment based upon the limited evidence available.</p>	<ul style="list-style-type: none"> Consider whether to progress with the proposed repayment decision for historic mileage claims. 	<p>Management Response:</p> <p>1. I can confirm the final figure calculated amounted to £2,721.60, this full figure was paid back by the PCC in December 2013 and the difference in calculation is resulting in further clarification of travel expenses.</p> <p>November 2014 status update:</p> <p>1. No adjustments have been made to tax returns and PCC remuneration. Should the permanent work place of the PCC be amended by HMRC this will be revisited.</p> <p>Result: Fully Implemented.</p>

In the event that, pursuant to a request which NPCC has received under the Freedom of Information Act 2000 or the Environmental Information Regulations 2004 (as the same may be amended or re-enacted from time to time) or any subordinate legislation made thereunder (collectively, the “Legislation”), NPCC is required to disclose any information contained in this deliverable, it will notify PwC promptly and will consult with PwC prior to disclosing such deliverable. NPCC agrees to pay due regard to any representations which PwC may make in connection with such disclosure and to apply any relevant exemptions which may exist under the Legislation to such deliverable. If, following consultation with PwC, NPCC discloses any this deliverable or any part thereof, it shall ensure that any disclaimer which PwC has included or may subsequently wish to include in the information is reproduced in full in any copies disclosed.

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