



**AVON &
SOMERSET**
POLICE & CRIME
COMMISSIONER

Police and Crime Commissioner for Avon and Somerset (PCC)

FINANCIAL ASSISTANCE IN LEGAL PROCEEDINGS ***POLICY***

Purpose of this policy

To enable the PCC to consider on a case by case basis whether financial assistance should be awarded to individuals involved in legal proceedings.

Background

Section 111(1) of the Local Government Act 1972 and section 6 of the Police Act 1996 enabled Police Authorities to pay costs or damages against police officers and staff or to provide funding to police officers and staff for defence or other proceedings against them in connection with their official duties provided it would facilitate or be conducive to the maintenance of an efficient and effective police force.

The type of proceedings where assistance may be given includes inquests and other public enquiries, criminal prosecutions, judicial review proceedings and employment tribunal cases.

The PCC has the discretion to agree to financial assistance under paragraph 14, schedule 1 of the Police Reform and Social Responsibility Act 2011 – a Police and Crime Commissioner may do anything which is calculated to facilitate or is conducive or incidental to, the exercise of the functions of commissioner. This replicates the Police Authorities powers in the section noted above.

Decision making

The decision to pay damages or costs awarded against officers, any costs incurred by the officers themselves and any sum paid in connection with the settlement of a claim, and the extent of such assistance should take the following points into account:

Requirements

- The request for financial assistance is supported by the Chief Constable
- The request is made prior to any issue of or involvement in proceedings or any work being undertaken
- The requester will co-operate fully with any investigation
- The request will be accompanied by an estimate of costs

Considerations

During the incident in question, has the officer/staff member:

- Acted in good faith?
- Exercised their judgement reasonably?

Procedure

A request should be made in writing or email (legaladvice@avonandsomerset.pnn.police.uk) to the Director of Legal Services who will acknowledge its receipt, make the necessary inquiries and prepare a report on behalf of the Chief Constable

Timing

The PCC will be given at least 14 days from receipt by the Director of Legal Services to decide on the suitability of any level of award. The request will be accompanied by a statement affirming to what extent the request is supported by the Chief Constable.

Conclusion

If the PCC uses their discretion to accede to any request for financial assistance, costs must be:

- Of a reasonable level, as assessed by the PCC Chief Financial Officer and in any event not in excess of the current Solicitor's Guideline Hourly Rates
- Recovered from the police officer/staff member if any award is made to them

Signed by the Police and Crime Commissioner

..... *Sue Mountstevens*

Sue Mountstevens

On..... *2/6/14*

¹ this includes both officers of other forces serving in the police area under mutual aid arrangements and special constables