



Report Title:	Police Commissioner: Expectation Setting and Performance Review Process		
Report No:	2023-0299		
Date:	30 November 2023		
To:	Hon Nicola Willis, Minister for the Public Service		
Action Sought:	Note the request to the Minister of Police to meet with the Public Service Commissioner	Due Date	30 November 2023
To:	Hon Mark Mitchell, Minister of Police		
Action Sought:	Discuss with the Public Service Commissioner the process for setting expectations and reviewing the Police Commissioner's performance	Due Date	30 November 2023
Contact Person:	Thor Gudjonsson, Deputy Commissioner, System and Agency Performance		
Contact No:	9(2)(a)		
Encl:	No	Priority:	Medium
Security Level:	IN CONFIDENCE		

Executive Summary

1. As Minister of Police, you have responsibility for setting Ministerial expectations for the Police Commissioner.
2. You can also invite the Public Service Commissioner to support you in reviewing the performance of the Police Commissioner.

Purpose of Report

3. As the newly appointed Minister of Police, we are seeking to inform you about, and offer support for the expectation setting and performance review process for the Police Commissioner.

Recommended Action

We recommend that the Minister for the Public Service:

- a **Note** the request to the Minister of Police to meet with the Public Service Commissioner
 Noted

We recommend that the Minister of Police:

- b **Discuss** with the Public Service Commissioner the process for setting expectations and reviewing the Police Commissioner's performance.

Hon Nicola Willis
Minister for the Public Service

Hon Mark Mitchell
Minister of Police

Discussion

Setting Ministerial expectations for the Police Commissioner

4. Ministerial expectations provide the basis for outlining the Government's key priorities for Police and inform the annual performance assessment for the Police Commissioner. The expectations are set in line with the duties that the Police Commissioner has to the Minister of Police under section 16 of the Policing Act 2008. These responsibilities include carrying out the functions and duties of Police, the effective, efficient and economical management of Police, providing Ministerial advice and giving effect to lawful Ministerial directions. In s16(2) the Act also outlines areas where the Commissioner must act independently, relating to the maintenance of order, enforcement of the law, investigations and prosecutions, and decisions about Police employees.
5. Generally, letters of expectation describe the Government's overall vision for Police. They cover the legislative basis on which the expectations are set, and the arrangements agreed for review of performance against them. Areas of Government priority where the Minister expects the Police Commissioner to deliver results are usually spelled out in the first, most substantive, section. Ministers have also called out areas where they expect the Commissioner to work with others as a system leader, for example as a member of the Justice Sector Leadership Board, and where relationships with external parties should be a focus. A section on organisational priorities provides the opportunity for the Minister to specify areas of organisational effort important to them, for instance improving internal culture. Lastly, previous Ministers have set out their expectations around support for them as Minister of Police. Letters have generally been 2-3 pages in length.
6. You may want to consider issuing interim expectations before the end of 2023 to outline your immediate intentions and priorities for Police, with updated expectations provided in 2024. This approach would ensure further changes in the Government's policy programme can be reflected in the Police Commissioner's expectations.
7. The Public Service Commissioner is available to support you in this process, including drafting and/or supporting your office with advice.

You can invite the Public Service Commissioner to support you in reviewing the performance of the Police Commissioner.

8. As per the Police Commissioner's terms and conditions of appointment, the Minister is able to require the Public Service Commissioner to undertake an annual performance review on the Minister's behalf. The Policing Act also details that the Public Service Commissioner can be invited to review the performance of the Police (as an agency), although such a review may only relate to the matters referred to in s16(1). Accordingly, a review of the Police Commissioner is similarly limited to a review of those matters.
9. You may formally invite the Public Service Commissioner to review the performance of the Police Commissioner against Ministerial expectations. Previous Ministers of Police over successive years have taken up this support.
10. If invited, your letter of expectations would form the framework for that assessment and the Public Service Commissioner would engage with you throughout the review period to get feedback and insights. This would be supplemented by the Commission's robust assessment and analysis of their results and performance.
11. Performance reviews are usually conducted annually, at the end of each calendar year.

Next Steps

12. Subject to your agreement, the Public Service Commissioner would welcome the opportunity to discuss the expectations and performance review process outlined above and how the Commission can support you with these.