



Association of Policing and Crime Chief Executives (APAC²E)

Briefing Note for PCC Induction 2021: The Role of APAC²E

1. Foreword from Chair of APAC²E

I would like to congratulate you on being elected (or re-elected) as a Police and Crime Commissioner (PCC), or as a Police, Fire and Crime Commissioner.

The role of a PCC is a complex one, with many and varied responsibilities and statutory duties. The PCC's policing governance role encompasses "the totality of policing" and PCCs operate within a multifaceted and ever-changing landscape. The PCC's wider duties (victim services, community safety, criminal justice system, violence reduction, fire governance) are also complex. There is an expectation and emphasis on PCCs to become both local and national policing leaders.

Multiple national responsibilities rest on PCCs, for example, the Strategic Policing Requirement (SPR), national collaborations, mutual aid etc. These responsibilities are jointly borne through the Office of Police and Crime Commissioner (OPCC). PCCs will expect to be supported in their national roles and their OPCC will be structured and resourced accordingly. OPCC senior staff will need to support national activity in addition to local work streams.

To support PCCs in delivering their manifesto priorities, the Police Reform and Social Responsibility Act 2011 requires two statutory roles in every PCC's office – the Chief Executive/Head of Paid Service and the Chief Finance Officer/Treasurer.

The Association of Policing and Crime Chief Executives (APAC²E) supports Chief Executives to enable them to provide high quality support and advice to their PCCs. As an association, APAC²E provides Chief Executives with the space and time to engage in national forums, which in turn helps them deliver their statutory functions, and better support their PCCs to succeed in their role and deliver their manifesto priorities. APAC²E brings together the considerable collective skills, knowledge and experience of Chief Executives from around the country, to develop advice and guidance on a wide range of issues. Through the development of policy networks APAC²E is able to coordinate OPCC efforts as well as provide development opportunities for OPCC staff, further enhancing the support available to PCCs. Recent achievements are listed in section 4 below.

Over the years APAC²E has developed its relationship and strong standing with key partners including the Home Office, Ministry of Justice, NPCC, the IOPC, and others. As Chief Executives are apolitical they are unable to provide a PCC perspective of issues, which is the remit of the APCC. The integrity of the role of Chief Executive and Monitoring Officer is critical to our ability to fulfil that role, and our purpose is to share our knowledge and experience on a broad range of relevant issues. Through this impartial approach we are able to advise our respective PCCs on specific areas of interest and assist in the formulation and delivery of strategy and scrutiny of particular policy areas.



APAC²E continues to work very closely with the APCC policy officers. Each of the APAC²E networks has an APCC representative on board to prevent any duplication of effort. The two respective organisations cooperate whilst respecting and valuing our different roles.

Having worked as a senior leader in police governance for over ten years I have seen the positive contribution APAC²E has made during a time of unprecedented change. I hope that as you work through your term in office you will also see the value APAC²E brings to you and your OPCC.

Angela Harrison

Chair of APAC²E

Chief Executive, Lancashire OPCC

2. Introduction to APAC²E

APAC²E is the Association of Policing and Crime Chief Executives. The APAC²E membership is made up of Chief Executives from all 41 OPCCs in England and Wales, in addition to the Mayor's Office for Policing and Crime (MOPAC), the Mayor's Office for the Greater Manchester Combined Authority, the City of London Police Authority, the British Transport Police Authority, the Jersey Police Authority, the Ireland Policing Authority and the Northern Ireland Policing Board.

2.1 Introduction to Chief Executives

Under the Police Reform and Social Responsibility Act 2011, every PCC must have a Chief Executive in post who will support and advise the PCC and assist in the discharge of all their statutory duties. The Chief Executive occupies a critical statutory position in the OPCC. They have responsibility for ensuring the effective implementation of the PCC's strategy and effective use of the PCC's resources, compliance with the full range of statutory duties and responsibilities, and the setting and maintenance of high standards of conduct in accordance with the Nolan principles.

Chief Executives are designated as the Monitoring Officer, with a remit to identify any contravention of law, maladministration or injustice. The PCC's Chief Executive also fulfils the statutory function of the Head of Paid Service, and so runs the PCC's Office (the OPCC) and leads the PCC's staff. The post of Chief Executive is politically restricted and the post holder must be appointed on merit.

In supporting the PCC to fulfil their responsibilities, the Chief Executive will demonstrate confident leadership. They will build and maintain effective working relationships with the Chief Constable and other senior figures in the local force, along with leaders within other emergency services, local authorities, the criminal justice system, the health sector, and a range of other local, regional and national partners.

The Chief Executive will typically work closely with the PCC, the Chief Constable, the Chief Finance Officers in the OPCC and force, and with other senior managers to ensure delivery of the PCC's vision, strategy and priorities. The Chief Executive will also ensure rigorous scrutiny of the police force's activities in support of the PCC's statutory duty to hold the Chief Constable to account. The Chief Executive also ensures the effective strategic and operational leadership of the OPCC.



Chief Executives are therefore an integral part of the policing landscape and OPCC governance and statutory duties of OPCCs. They also help to share best practice nationally in this complex interface between two Corporations Sole, external collaborations and scrutiny role of PCCs.

3. Objectives

The objectives of the Association are to:

- 1) Provide a network of support for Chief Executives and other staff within the offices of Police and Crime Commissioners, enabling collective problem solving, sharing of best practice, representation, and a forum for debate;
- 2) Provide professional, technical, and procedural advice and support on governance and policy matters affecting; but not limited to:
 - i. policing and fire and rescue services,
 - ii. community safety, and
 - iii. the criminal justice system

to Police and Crime Commissioners individually and collectively, OPCCs, the Association of Police and Crime Commissioners (APCC), the Police and Crime Commissioner Treasurers' Society (PACCTS), the National Police Chiefs Council (NPCC), Home Office, the Ministry of Justice and others;

- 3) Facilitate professional and career development opportunities to:
 - i. support Chief Executives to fulfil their statutory roles of Head of Paid Service and Monitoring Officer; and
 - ii. build capacity within office teams to ensure that they are able to meet current and future challenges and staff can progress.

In carrying out these objectives, the Association works in partnership constructively with other organisations.

4. Relevant Achievements

4.1 Supporting Police and Crime Commissioners

In supporting PCCs, APAC²E has delivered multiple work streams:

- APAC²E conducted a review of national collaboration agreements and produced with the APCC, a national collaboration template and guidance for use in future national collaboration agreements, thus reducing the number of times that PCCs are asked to sign amended agreements
- APAC²E contributes expertise and presenters to the APCC PCC Induction Event
- APAC²E contributes ongoing technical advice to the Spending Review
- APAC²E assisted the APCC work with the NPCC on improving the chief constable removal protocol
- APAC²E facilitated learning exchanges on issues of significance to PCCs, including:
 - i. Hampshire OPCC's GDPR audit by the Information Commissioners Office;
 - ii. Kent OPCCs advice on pension forfeiture; and
 - iii. general advice pertaining to Legally Qualified Chairs
- APAC²E provided valuable input to a range of national consultations and reviews including:
 - i. The Home Office PCC Review



- ii. Enabling Police and Crime Commissioners to sit and vote on Combined Fire and Rescue Authorities (Home Office consultation)
- iii. Revised guidance for police and crime panels (LGA/Centre for Public Scrutiny consultation)
- iv. Chief Constable preparation, selection, tenure and retirement in the 'New Landscape of Policing' (NPCC consultation)
- APAC²E supported APCC in successfully lobbying Government to increase the role of PCCs in criminal justice in general, and in Probation services in particular.
- APAC²E has set up various task and finish groups to utilise learning in areas of interest to PCCs, such as devolution / the Mayoral role, and the Information Commissioner's OPCC Project Overview Report

4.2 Professional Development

To support Chief Executives to deliver their best in the role, APAC²E has developed a Chief Executive Induction Programme, providing in-depth training for new Chief Executives, cultivating their expertise in all the strategic areas of OPCC business. APAC²E has also delivered other development events for Chief Executives and senior OPCC staff over recent years, including:

- Leadership Development training
- Monitoring Officer training
- Training and networking events for OPCC Commissioning Managers working in partnership with the Public Service Transformation Academy

4.3 Knowledge Sharing and networking

- APAC²E holds an annual joint seminar with the Police and Crime Commissioners Treasurers' Society (PACCTS) focussed on delivering change for PCCs. The seminar facilitates problem solving around commissioning for outcomes, reforming criminal justice and re-offending, and funding benefits realization. It also features national forward planning and horizon scanning with input from key national speakers including the Home Office, APCC, MoJ and NPCC
- APAC²E delivers regular updates to its members enabling them to update their PCCs:
 - i. highlighting new legislation
 - ii. flagging relevant new consultations
 - iii. monitoring the progress of relevant Bills through Parliament
 - iv. facilitating strategic and time critical knowledge exchange around other topical issues

5. APAC²E Support to OPCCs

APAC²E established eight networks which are delivering the following benefits:

- opportunities for networking and national involvement for people below the level of Chief Executive;
- ongoing national work to which OPCC staff who have particular expertise and experience in specific areas could usefully contribute
- pooling OPCC capacity and capability in a structured way to solve national issues;
- better dissemination of information, identifying what matters, and having confidence that someone with the right skills and interest is dealing with it;



- managing national work affecting us all using an established process rather than on an ad hoc basis e.g. collaboration agreements; and
- facilitating opportunities for professional development amongst OPCC staff

APAC²E created the following networks: Commissioning, Communications and Engagement, Complaints and Casework, Criminal Justice, Fire and Rescue, Governance and Legal, Learning and Development, Strategy and Performance. Each network has an APCC Officer link member and together the networks are helping to:

- deliver the association's objectives
- grow capacity across the service as a whole
- enable effective sharing of best practice
- support the APCC policy making and influencing processes
- improve links and joint working with partner organisations
- engage in national work on behalf of all PCCs where required

APAC²E also has an ongoing arrangement with the Chartered Management Institute (CMI) to obtain membership benefits for Chief Executives and senior OPCC staff, facilitating their continuing professional development, enabling them to better support their PCCs.

6. Guidance

APAC²E has produced, or is currently producing, a portfolio of guidance for Chief Executives and OPCCs on a range of topics important to PCCs, which includes:

- a. Police and Crime Plans
- b. FRS Business Case Guidance and a suite of model template documents for use in future fire governance changes
- c. PCC Election Guidance
- d. Holding to Account toolkit
- e. Guide to Commissioning
- f. Model Corporate Governance Framework
- g. APAC²E Statement on the Role of Chief Executive and Monitoring Officer
- h. General Data Protection Regulations guidance (with Sheffield Hallam University)
- i. Handbook for Legally Qualified Chairs

7. Financial Summary 2019/20

The Association is funded from equal membership subscriptions at the rate of £1,000 per member from all the offices of Police and Crime Commissioners and equivalents. The Association is run by a small group of officers, elected annually by the membership. The officers receive no remuneration. The City of London Corporation kindly hosts the APAC²E meetings (outside of COVID restrictions).

The APAC²E 2019/20 annual accounts as of 31 March 2020 (subject to audit) show that the gross annual costs of running the Association in the 2019/20 financial year amounted to £49,455, which was covered by income of £64,842, resulting in a net surplus for the year of £15,387. The accounts also show that APAC²E holds 'Accumulated Funds' (i.e. net reserves) of £60,901 as at 31 March 2020.



A summary of the Association's net surplus for 2019/20 is outlined here:

Income:	£
Annual Subscriptions	46,100
Conference / Seminar fees (inc. PACCTS contribution to cost of annual joint conference costs)	17,179
Misc. fees and income	<u>1,563</u>
Gross Income	64,842
Expenditure:	
Events - APAC ² E / PACCTS joint annual Conference	16,553
Meetings - APAC ² E general meetings and Network Group meetings	1,727
APAC ² E Coordinator	27,073
General running costs	<u>4,102</u>
Gross Expenditure	49,455
Net Surplus 2019/20	£15,387

8. Financial Reserves Policy

APAC²E has put in place prudent financial measures to manage its finances on an affordable and sustainable basis, and to reduce over time its already modest level of balance sheet reserves to an amount that is sufficient to provide adequate cover for inevitable cash flow fluctuations. To that end, net annual deficit budgets will be allowed for over the foreseeable medium term planning period. Taking this into account, it is anticipated that APAC²E reserves will gradually reduce over the coming four year period to March 2024. This gradual reduction in the net reserves is considered a prudent policy initiative; it will maintain a sufficient amount of reserves necessary to ensure adequate cash flow to cover unforeseen variations in ongoing general running costs whilst also enabling funding of one-off spending on ad hoc training and development events for members, and thereby maintain an effective and smooth running Association.

9. Strategic Direction

APAC²E will, within its modest budget, continue to deliver its stated objectives to support PCCs over their term in office. The meeting agendas will, where possible, follow thematic issues linking to APCC agendas. APAC²E will continue to support and enable PCCs to deliver their local priorities and national objectives.

10. Conclusion

APAC²E provides a national capability for the development and professional support of Chief Executives in the best interests of PCCs and their offices. The Association operates within a very lean budget. APAC²E has no team of staff, nor a central office. However, the lack of overheads and minimal bureaucracy is advantageous, enabling the Association to be nimble and pro-active and to provide Chief Executives with timely advice, critical information and useful guidance. This in turn enables Chief Executives to better support their PCCs to deliver their local priorities.

Appendix 1 - PCC Functions

Function	Reference
Secure the maintenance of an efficient and effective police force for that area	s1(6)
To be the Fire and Rescue Authority (optional – see elsewhere)	s6 P&CA'17

Strategic Planning	
Prepare a draft and issue a police and crime plan	s5 (Regs)
Review the police and crime plan, particularly in the light of (i) any report or recommendations made by the police and crime panel; and (ii) any changes in the strategic policing requirement	s5(9)

Holding to account	
Hold the chief constable to account for:	
• the functions of the chief constable, and of persons under the direction and control of the chief constable.	s1(7)
• the exercise of the duty to have regard to police and crime plan	s1(8)(a)
• the exercise of the duty to have regard to strategic policing requirement	s1(8)(b)
• the exercise of the duty to have regard to codes of practice issued by Secretary of State	s1(8)(c)
• the effectiveness and efficiency of the chief constable's arrangements for co-operating with other persons	s1(8)(d)
• the effectiveness and efficiency of the chief constable's arrangements for engagement with local people	s1(8)(e)
• the extent to which the chief constable achieves value for money	s1(8)(f)
• the exercise of duties relating to equality and diversity	s1(8)(g)
• the exercise of duties in relation to the safeguarding of children and the promotion of child welfare	s1(8)(h)

Partnership working	
To provide or arrange for the provision of— (a) services to secure crime and disorder reduction; (b) services to help victims or witnesses of, or other persons affected by, offences and anti-social behaviour; (c) services specified by the Secretary of State	s143 ASBP&CA'14
Have regard to the relevant priorities of each responsible authority	s10(1)
Act in co-operation with responsible authorities	s10(2) (CDA Regs)
Make arrangements with criminal justice agencies for the exercise of functions so as to provide an efficient and effective criminal justice system for the area	s10(3)
Prepare a community remedy document for the area	S101 ASBP&CA'14
Enter into collaboration agreements	s22A PA'96
Keep collaboration agreements under review	s22C PA'96
Enter into emergency service collaboration agreements	s1 P&CA'17
Keep considering emergency services collaboration	s2 P&CA'17
Provide advice and assistance to a body outside the UK	s26 PA'96

People	
Appoint, manage complaints regarding, suspend and remove the chief constable	s38 and sch8 (Regs)
Appoint a chief executive and chief finance officer (and may appoint other staff, including a Deputy Police and Crime Commissioner)	sch1 para6 to 8

Information and Engagement	
Publish specified information in the time or manner specified	s11 (Regs)
Produce an annual report	s12
Provide the police and crime panel with any information which the panel may reasonably require	s13
Make arrangements for obtaining <ul style="list-style-type: none"> • the views of people about matters concerning the policing of the area, • their co-operation with the police in preventing crime and anti-social behaviour in that area; • the views of victims of crime in that area about matters concerning the policing of that area. • the views of <ul style="list-style-type: none"> (a) the people in that police area, and (b) the relevant ratepayers' representatives, on the proposals of the police and crime commissioner for expenditure before the first precept for a financial year is issued by the police and crime commissioner 	s96(1) and (2) PA'96 (Regs) S96(1B) PA'96

Finance	
Enter into agreements for supply of goods and services	s1 Local Authorities (Goods and Services) Act 1970; s15
Keep the police fund	s21 (Pension Regs)
Receive grants for police purposes	s46 PA'96
Receive grants for capital expenditure	s47 PA'96
Receive national security grants	s48 PA'96
Receive grants from local authorities	s92 PA'96
Accept gifts or loans	s93 PA'96
Borrow monies	s94 PA'96
Issue a precept	s39 Local Government Finance Act 1992(Regs)
Receive emergency financial assistance	s155 Local Government and Housing Act 1989
Do anything calculated to facilitate the exercise of their functions, including: <ul style="list-style-type: none"> • entering into contracts and other agreements • acquiring and disposing of property (including land) • borrowing money 	sch1 para 14
To assess, decide and pay, any valid claim for compensation in respect of property that has been damaged, destroyed or stolen in the course of a riot.	s1, Riot Compensation Act 2016

OPCC Staffing Structures

Introduction

This introduction provides a high level overview, highlighting the variety of different staffing structures that have developed to suit local requirements. This document also emphasises multiple reasons why it is considered impractical and ill-advised to try to directly compare one OPCC structure with another.

Variations in Staffing Structures

Across England and Wales, there are many variations, in both size, structure and configuration of the OPCC staff structure. These variants reasonably reflect local determinants and the different priorities of individual PCCs elected on different local mandates.

Notwithstanding the local variations in office structure, by law all PCCs must employ a chief executive / monitoring officer and a chief finance officer. These are known as the two statutory officers.

The chief executive is also the 'Head of Paid Service'. The role of the head of paid service is to determine how much resource is necessary and how many staff are required, in order to manage and deliver the priorities requested by their PCC and effectively discharge the statutory responsibilities of the PCC and his/her statutory officers.

There are certain PCC functions that are mandated by statute. The PCC may have other non-statutory functions which they consider necessary to deliver their priorities.

Also to bear in mind is that some PCCs retained staff in 2014 following what was referred to as '*Stage 2 Transfer*'. The Police Reform and Social Responsibility Act 2011, that introduced PCCs, also established Chief Constables as separate legal entities (corporations sole) who could directly employ staff for the first time (as opposed to those staff being employed by their former police authorities). Thus, between the first PCCs coming into office and *Stage 2 Transfer* in 2014, each PCC and his/her Chief Constable agreed which staff each needed in their local area to discharge their respective functions. Thus, each area made a different decision on *Stage 2 Transfer* for local and legitimate reasons that had to be approved by the Home Office. For example, some PCCs retained Estates and Fleet functions because PCCs own the assets and some PCCs satisfied the Home Office that they needed direct control of the assets through directly employing the staff who managed them.

Collaboration and shared service agreements will also influence the size of the OPCC. The delivery of some services or functions may be provided jointly for the PCC and chief constables, by staff or external providers. The PCC and chief constable might share various members of staff between them, e.g. a shared chief finance officer, shared media and press officer, etc. Some PCCs employ and share staff between two OPCCs, or between multiple OPCCs on a regional basis e.g. regional policy officers/ coordinators. All of the above are legitimate means of setting up staffing structures and these types of set up have the effect of reducing the size of the OPCC 'on paper'.

Some PCCs are also taking on additional responsibilities in the areas of criminal justice, complaints or fire governance and these extra functions necessitate recruiting further staff with relevant expertise, and thereby increases the size of his/her OPCC.

It is therefore wrong to compare the current OPCC structure with the arrangements that supported the former police authority for the same area – the role of a PCC is different and far wider, than that of the former police authority.

The size of the OPCC will also vary according to how many priorities a PCC wishes to focus on, and at what level of activity. For example, a PCC may decide to place greater emphasis on commissioning services and subsequently employ a large commissioning team within their OPCC to deliver on this priority. A like-minded PCC might achieve the same objective by utilising commissioning services provided by the force or other partners, or delivered via a number of volunteers or seconded staff. Yet another PCC might deliver the same objective by convening partners and/or giving grants to external providers to deliver the same service. This explains why some OPCCs in smaller force areas may have more staff than OPCCs in larger force areas, despite all of these PCCs having similar priorities or a similar number of priorities.

Additionally, there are certain 'corporate services' such as finance, legal, HR, ICT, business support, data protection, information analysis and estate management. These services might be delivered by staff as part of the OPCC structure, or they might be delivered via contracted support services provided by the force, the local authority, or another partner. Outsourcing certain functions like this allows the PCC to maintain a smaller sized office

Some PCCs have external/match funded staff, for example criminal justice, commissioning or victims' leads, who may be funded by, for example, a Ministry of Justice grant. Other PCCs have staff who are funded via their force budget. Some PCCs have a staff officer or a police officer in an advisory or liaison capacity, on secondment from the force, or even staff seconded from another organisation. Many PCCs also make use of interns, special advisors, apprentices, community ambassadors, external auditors etc. some or all of whom may not receive any remuneration. All of these types of arrangement will increase the size of the OPCC, but without increasing the staffing costs.

Additionally, many PCCs have employed staff part-time or on a job share basis. Even the statutory posts have been subject to job share, revolving staff appointments, or part-time arrangements. It is important to note that only one person may be nominated as a statutory officer (chief executive or chief finance officer) at any particular time, and they would each be subject to a confirmation hearing by the local police and crime panel. It is therefore important to take into account the Full Time Equivalent (FTE) when examining these types of arrangements.

It can also be useful to differentiate between what constitutes the 'office of the PCC' (that is staffing required for the provision of the statutory functions of the PCC) and the wider 'OPCC' (that is staffing required for the provision of the additional priority areas of the PCC). To manage and deliver the basic PCC functions, a PCC might restrict the size of their official 'office' to a small number of key staff, which will include the two statutory posts of the chief executive/monitoring officer and the chief finance officer, along with a personal assistant or diary manager. The remaining staff employed to deliver the PCC's priorities are not listed as forming part of the office of the PCC.

These other staff in the wider OPCC structure may include personnel employed to deliver the functions of commissioning, holding to account, communications and community engagement, strategy, policy etc.

Finally, some PCCs appoint a Deputy PCC or Assistant PCC(s) who are members of staff who fall under the line management responsibility of the chief executive within the OPCC. These staff may generate work. For example, a Deputy PCC may be given a specific

portfolio or project aligned to PCC priorities, or may mean that more community engagement can be achieved. This work will inevitably require support from other staff in the OPCC, and may indeed necessitate growth in staffing

Conclusion

This introduction has detailed some of the many different and legitimate ways a PCC can choose to set up their office structure according to their local and regional requirements. It has demonstrated multiple reasons why it is important to understand why a given staffing structure has developed and why it is considered impractical and ill-advised to try to directly compare one OPCC structure with another.