



# PCC CANDIDATE BRIEFING

Guidance, advice and information for anyone interested in standing as a candidate in the **2021 Police and Crime Commissioner elections**

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# 1 INTRODUCTION

▶ This briefing document has been prepared by the Association of Police and Crime Commissioners (APCC) for candidates and prospective candidates for the May 2021 Police and Crime Commissioner (PCC) elections.

It provides candidates with a range of information including the role and responsibilities of a PCC, who can stand in PCC elections, working with the Chief Constable, finance and commissioning, the role of the Police and Crime Panel (PCP) and what PCCs have achieved at a local and national level since the role was created in 2012.

PCC elections were deferred last May under *The Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020*. They will be held for the third time on Thursday 6 May 2021 in police force areas across England and Wales. In Greater Manchester and London, the PCC accountabilities lie with the Mayor (from May 2020 this will also be the case in West Yorkshire), and in the City of London it sits with the Police Authority.

For further information on any of the information set out in this document, please contact the APCC on **020 7222 4296**, email [enquiries@apccs.police.uk](mailto:enquiries@apccs.police.uk) or visit [www.apccs.police.uk](http://www.apccs.police.uk)

# 2 WHO CAN STAND AS A PCC CANDIDATE AND DISQUALIFICATION CRITERIA

▶ This section sets out the main rules about who can stand as a PCC candidate and what factors would lead to disqualification or inability to stand as a candidate. These are set out in some detail in the [Police Reform and Social Responsibility Act 2011](#), and the [Wales Act 2017](#), but are summarised below. Unless otherwise stated, similar provisions apply to the election of the Mayors of Manchester and London (who have PCC powers amongst their functions). The exception is the City of London Police area, which still has a police authority.

## Who can stand as a PCC candidate?

There are slightly different provisions for Welsh and English PCCs.

### In England

Anyone who has reached the age of 18 and is on a register of local government electors within the relevant police area can stand, subject to some caveats about citizenship and other disqualification factors (see below).

### In Wales

Anyone who has reached the age of 18 and is on a register of local government electors within the relevant police area can stand including Peers (who would normally be disbarred from Parliamentary elections) and citizens of the European Union, provided the registration is not in relation to an overseas elector's declaration. Similar caveats apply as for England.

## Citizenship requirement

Under current rules anyone standing for election as a PCC will need to be one of the following:

- ▶ a British citizen;
- ▶ a qualifying Commonwealth citizen;
- ▶ a citizen of the Republic of Ireland; or
- ▶ a citizen of the European Union.

The legislation explains that a qualifying Commonwealth citizen must be a Commonwealth citizen that does not require leave to enter or remain in the United Kingdom under the [Immigration Act 1971](#), or who has been given indefinite leave to remain under the same Act. There are a limited number of caveats to this rule around special cases (section 8 of the Act) so if you think you might fall into this category, it is worth checking the detail.

A citizen of the Union is defined by Article 20(1) of the [Treaty on the Functioning of the European Union](#) (i.e. a citizen of a member state of the European Union).

### Brexit impact

The current position of the Government at the date of writing this document is that they will maintain the status quo for both local

elections and PCC elections until 2024, but the environment is uncertain and candidates that are EU citizens but not British citizens should check the requirements nearer to the election date, before formally completing a nomination form to submit to the returning officer.

## Disqualification criteria

There are a number of grounds on which a candidate might be disqualified from becoming a PCC or from continuing as a PCC once in office. These grounds are set out below.

### Employment grounds

A candidate is disqualified if the person:

- ▶ has been nominated as a PCC candidate in another area;
- ▶ has been nominated as a candidate for mayor who can exercise the functions of a PCC;
- ▶ is a member of any police force maintained by a local policing body (i.e. a force maintained by a PCC or equivalent), the British Transport Police, Civil Nuclear Police or City of London Police;
- ▶ is a Special with any of these police forces, or a member of staff of any of these forces;
- ▶ is a member of staff (except the Deputy PCC) of any PCC, Mayor of London, Mayor of Manchester, or relevant council<sup>1</sup> (except a teacher or other person employed in a local authority school or other educational institution);
- ▶ is the Mayor of London, a member of the Common Council of the City of London or a member of staff of the Common Council of the City of London;
- ▶ is a member (including Chairman, Chief Executive or staff) of the British Transport Police Authority (BTPA), the Civil Nuclear Police Authority, the Independent Office of Police Conduct (IOPC) or the National Crime Agency (NCA);
- ▶ holds any employment in an entity which is under the control of any of the bodies listed above, including a relevant council;
- ▶ is a judge, civil servant or member of the armed forces; or
- ▶ is a member of a legislature of any territory or country outside the United Kingdom.

<sup>1</sup> A relevant council is any county council; county borough council; district council; parish council; community council; or Council of the Isles of Scilly which lies within or partly within the police area.

## Debt relief/bankruptcy grounds<sup>2</sup>

A candidate is disqualified if the person is the subject of:

- ▶ a debt relief restriction order;
- ▶ an interim debt relief restriction order;
- ▶ a bankruptcy restriction order;
- ▶ a bankruptcy restriction interim order; or
- ▶ a debt relief restriction undertaking.

## Criminal grounds

A candidate is disqualified if the person:

- ▶ has been convicted in the United Kingdom, the Channel Islands or the Isle of Man, of any imprisonable offence (whether or not sentenced to a term of imprisonment in respect of the offence); or
- ▶ is incapable of being elected as a member of the House of Commons, or is required to vacate a seat in the House of Commons as a consequence of corrupt or illegal practices.<sup>3</sup>

In this context, an imprisonable offence means an offence (where the period for appeal has expired or is abandoned):

- ▶ committed by a person who is aged at least 18 years which might attract a term of imprisonment; or
- ▶ committed by a person who is aged at least 18 years where there is a mandatory life sentence.

## Additional grounds for Police, Fire and Crime Commissioner (PFCC) candidates

Where the PCC has taken on fire governance responsibilities, additional disqualification grounds apply if the person:

- ▶ is employed by a fire and rescue authority; or
- ▶ is the London Fire Commissioner or a member of staff of the London Fire Commissioner.

## National legislature grounds

A person is disqualified from being a PCC if the person is or becomes a member of:

- ▶ the House of Commons;
- ▶ the Scottish Parliament;
- ▶ Senedd Cymru – the Welsh Parliament;
- ▶ the Northern Ireland Assembly; or
- ▶ the European Parliament.

But note that a PCC may still be a member of the House of Lords.

## Deputy PCCs

PCCs are able to appoint a Deputy PCC. This is the one appointment in the Office of the PCC (OPCC) that can be a political appointment and does not need to be merit. They are bound by the same ethical standards as PCCs and similar criteria apply in relation to qualification and disqualification to hold the post. In particular, they cannot be:

- ▶ a person who has not attained the age of 18 on the day of the appointment;
- ▶ a person who is subject to a relevant disqualification;
- ▶ a Member of the House of Commons;
- ▶ a member of the European Parliament;
- ▶ a member of the Senedd Cymru – the Welsh Parliament;
- ▶ a member of the Scottish Parliament; or
- ▶ a member of the Northern Ireland Assembly.

Their terms of appointment must be timed to end when the PCC's time of appointment ends, or when another PCC takes an oath of office, if an election is required outside the normal four-year election cycle.

Otherwise, Deputy PCCs are disqualified on the same grounds as PCCs, in relation to employment, citizenship, bankruptcy, criminal convictions, or corrupt/illegal practices.

## Need further help?

The Electoral Commission oversees elections in England and Wales and can provide further help about general provisions in relation to disqualification or procedures in relation to elections, if you are unsure. In addition, a returning officer will be appointed in each PCC area to manage the election process. They will be appointed nearer to the election date, but will be a Monitoring Officer from a local authority within the police force area, and can advise on the process locally.

<sup>2</sup> As defined in paragraphs 1 and 5 of Schedule 4A, or paragraphs 1, 5 or 7 of Schedule 4ZB of the *Insolvency Act 1986*

<sup>3</sup> As defined under Part 3 of the *Representation of the People Act 1983*

# 3 ELECTION CAMPAIGNS AND MANIFESTOS

▶ This section contains some outline information about PCC election campaigns and manifestos, together with some suggested do and don'ts which candidates will wish to be aware of.

## PCC election campaigns

The rules about the conduct of PCC election campaigns are set out in detail in *The Police and Crime Commissioner Elections Order 2012* ('the Order'). This covers the process for nomination and registration of candidates, the rules to be observed during the official campaign process following nomination, and the rules about the conduct of the actual election.

The key points for candidates to note are:

- ▶ The Police Area Returning Officer (PARO) is in charge of this process locally. It is up to them (within the parameters set out in the Order) to set the requirements around nomination and registration of PCC candidates, and to set the date on which nominations for candidates close. There are also certain documents they must validate and approve for the candidate's nomination to be and to remain valid.
- ▶ Elections are held on the supplementary vote system, provided there are three or more candidates. If there are only two candidates, then it is on a simple majority.
- ▶ In order to stand for election as a PCC, every candidate must lodge a deposit of £5,000 with the PARO to become a candidate (this is returned if the candidate receives more than 5% of the first preference votes). All candidate must also be resident and on the electoral register for the area in which they are standing.
- ▶ Every candidate must appoint an election agent (although candidates can appoint themselves to this role) at the point of finalising the nomination process. The election agent must have an office address within the police area that correspondence can be sent to, which must be declared to the PARO on registration. The role of the election agent is primarily to manage the finances and expenses of the campaign (including lodging returns/claims with the PARO), ensure the correct documents are submitted to the PARO (including the candidates manifesto (or 'election address')), and to help the candidate ensure that the correct rules and processes are followed. The name and address of the election agent must be lodged with the PARO, and most election expenses must be directed through the agent (with a few exceptions).
- ▶ There are strict rules about donations and election expenses – the maximum expenses permitted vary from area to area but are set out in detail in the Order. The candidate's election agent is responsible for submitting a return to the PARO (within 70 days after the election), setting out all the candidate's payments and expenses in relation to the election, and for submitting a declaration that the return sets out a complete and correct record of the candidate's expenditure. Failure to submit an appropriate return and declaration could lead to the candidate being disqualified as a PCC.

- ▶ Candidates manifestos (referred to as 'election addresses' in the Order) must be prepared by the candidate's election agent and submitted by the agent to the PARO. There are some rules as to the permitted content of manifestos (see Schedule 8 of the Order), but provided the PARO is content with the content, the PARO will approve it and submit it to the Home Office for inclusion in the PCC Elections website, which the Home Office has set up so the public can see all the candidates and manifestos in their area. Only manifestos approved by the PARO can be included on the PCC Elections website.
- ▶ However, there is currently no assistance from public funds for candidates to circulate their manifesto/election priorities via a mailshot. Only the facility of the PCC Elections website is provided by government to raise awareness of candidate's election promises. The APCC continues to press both the Home Office and Cabinet Office for a change in this policy to enable postal information to be circulated, but under the current rules this is not paid for by the Government.

## Manifestos

As mentioned above, Schedule 8 of the Order sets out content that is not permitted in PCC election manifestos. This includes any advertising content, any content which mentions another candidate, any content designed to achieve commercial gain, or which is obscene, offensive or otherwise illegal. Any images contained in the manifesto must also observe these rules and in addition, cannot show any person other than the candidate. Party political images are permissible, provided the candidate is the registered candidate for that political party, and their registration has been lodged with the PARO.

Beyond content that the law does not permit, candidates will be considering carefully what to include in their manifesto. Below are some suggested do and don'ts on this topic to help candidates make realistic and attractive promises to potential electors.

### Do

- ▶ Do consult as widely as possible with as wide a section of local communities as possible to find out their different views on policing and criminal justice – you will be their elected representative in this arena, so it is worth understanding what they want across the board.
- ▶ Do bear in mind that this will involve speaking to local business as well as local residents.

- ▶ Do also bear in mind that you will be responsible for much more than just the police, so you might want to consider including priorities in relation to other issues, for instance, in some areas this will include fire services, and in all areas it could include support for victims, handling restorative justice locally, support for alcohol and drugs treatment, or crime prevention initiatives.
- ▶ Do make promises that are achievable and within your remit as PCC, as you will need to explain to your communities how you have delivered on manifesto commitments through the annual reporting structures of the PCC. Commitments which are unrealistic or outside of your ability to influence are likely to remain undelivered by the time you get to re-election.
- ▶ Do make promises that are affordable – although you will have control of a very significant budget, your ability to flex spending will have some limits imposed centrally and do bear in mind that round 80% of the police budget is generally spent on personnel (officers and staff). Equally, promising significant uplifts in the police budget or police personnel will have impacts on victims services, crime prevention services, and other important areas which the PCC funds.

### **Don't (and areas of caution)**

- ▶ Don't make promises on areas that are the operational responsibility of the Chief Constable – examples might include promises to get the police to arrest certain types of individual, or arrest individuals following certain types of incident, or promises about how force assets (people and things) will be deployed, or promises to ban the police from conducting stop and searches or other police tactics. These are not within the remit of the PCC and risk setting a tone of strained relationships with the Chief Constable from the start.
- ▶ Be careful about making commitments with numbers attached – for instance promising to reduce a particular crime type by X%, or promising to recruit XX number of extra police officers. You might unintentionally be setting yourself unachievable aims within the pressures of everything else you will have to do and the money you will have to do it with. It might be better to use more generic wording i.e. to reduce a particular crime type or focus on recruiting additional officers.
- ▶ Be careful about including the wishes of one community in your manifesto, without consulting other communities and areas – they may not chime across the whole constituency and cause tensions with some community sectors when you become the PCC.
- ▶ Be cautious about making promises that are in the remit of another organisation e.g. around children's services. You may be able to gain some influence in these areas through

partnership working, but you will not be the ultimate decision maker.

- ▶ Equally, do not make promises to delegate, merge or transfer services that are within the PCCs remit to another organisation. The organisation may have no legal ability to take these on, and/or no ability to receive funding for these services from government. Examples might include, promises to transfer victims services to the local authority to free up more money for policing, or commitments to merge the PCC's office with the council's office to save money.

# 4 A PCC'S STATUTORY RESPONSIBILITIES

► This section sets out the main statutory responsibilities and powers of PCCs. It does not aim to set out the full sweep of all applicable legislation, but instead focuses on the key duties and powers conferred on PCCs.

## Where are PCC statutory duties set out?

There is no single piece of legislation where this is all set out. Police legislation has evolved over many years, and some of the laws applicable to PCCs go back several decades. In addition, local government legislation plays a part in regulating what PCCs can do, particularly in relation to some aspects of finance.

However, the key duties of PCCs are mainly set out in three Acts: the *Police Reform and Social Responsibility Act 2011* (PRsRA) and the *Police Act 1996* as amended. The former Act established PCCs and set out their main functions, while the latter sets out many of the duties which were transferred to PCCs from predecessor organisations. More recently the *Policing and Crime Act 2017* (P&CA) also impacts the powers and responsibilities of PCCs. More detail on these Acts is set out below.

## What are a PCC's most important statutory functions?

Below are the main PCC functions and the associated legislation where these are found:

- The PCC for a police area must secure the maintenance of an efficient and effective police force for the area. [PRsRA, S1(6)]
- The PCC for a police area must hold the relevant Chief Constable to account for the exercise of the Chief Constable's functions and those under the direction and control of the Chief Constable. [PRsRA, S1(7)]
- The PCC has powers in relation to bringing together Community Safety and Criminal Justice partners, with mutual duties to co-operate and formulate and implement strategies across the police area. [PRsRA, S10 and S88; and Schedule 11]
- The PCC has commissioning and grant-making powers, primarily aimed to tackle crime reduction/prevention, and support victims and vulnerable people, or those affected by crime. [PRsRA, S9; and *Anti-social Behaviour, Crime and Policing Act 2014*, S143]
- The PCC can take on responsibility for the emergency services collaboration and for the Fire and Rescue Service (FRS) (or play a role in local authority fire governance). This does not apply to PCCs in Wales (see section **24 PCCS IN WALES** for further details). The PCC also has a strengthened role in dealing with police complaints. [P&CA, S6-8 and S13-24]

## What other statutory responsibilities does the PCC have?

This section lists PCC powers and duties in key areas of activity. It is by no means exhaustive but sets out the main points that PCCs, the public and others interested in the role of PCCs may wish to know.

### Police and Crime Panels

PCPs are made up of local councillors and some independent members. They were put in place to scrutinise and support the work of their local PCC and can require the PCC to appear before the PCP to answer their questions. For more information, see section **18 POLICE (FIRE) AND CRIME PANELS: COMPOSITION, ROLE AND FUNCTIONS**. [PRsRA, S28; and Schedule 6]

### Police and Crime Plans

The PCC must issue a Police and Crime Plan as soon as possible after the PCC takes office. It should cover the PCC's full term of office (note that for PCCs elected in 2021 the term of office will only be three years, because of the delay in these elections), but may be revised at any time. The PCC must consult the chief officer of police (i.e the Chief Constable or Police Commissioner in some areas) and have regard to the PCP in making or revising the plan. The plan must set out the PCCs policing and crime objectives, details of grants made to partners, resources the chief police officer will be given and how he/she will be held to account/assessed. The plan must have regard to the Strategic Policing Requirement (SPR) and both PCC and chief officer must have regard to the plan. [PRsRA, S5, 7 and 8]

### Funding/finance

The PCC must hold the police fund and other grants from central or local government. PCCs must set the policing precept (an element of Council Tax) for their area. Note that the PCP has powers of veto over the precept – see section **18 POLICE (FIRE) AND CRIME PANELS: COMPOSITION, ROLE AND FUNCTIONS**. Further information on finance and audit aspects can be found in section **10 POLICE FINANCE: THE LOCAL CORPORATE AND FINANCIAL PROCESS**. [PRsRA, S21-27; Schedule 5; and *Local Government and Finance Act 1992*, S39-43]

### Transparency and engagement

PCCs must obtain the views of local people and victims of crime before the Police and Crime Plan is issued and before



the precept is set (the latter must also including obtaining the views of rate payers). The PCC must publish information about their performance and that of the chief officer, and the material required by the *The Elected Local Policing Bodies (Specified Information) Order 2011*. The PCC must give the PCP the information it requires to carry out its function and must also publish an Annual Report which must be presented to the PCP at a public meeting. [PRSR, S11-14; and Schedule 11]

## People

The PCC may appoint, suspend or remove the chief police officer ( see section **17 WORKING WITH CHIEF CONSTABLES** for more information) and must be consulted by the chief officer on the appointment of Deputy and Assistant Chief Constables. The PCP has a limited power of veto over the appointment of the chief officer. The PCC must appoint to the OPCC a Chief Executive and a Chief Finance Officer (CFO) (who must be separate people) and may appoint a Deputy PCC: new appointments to all three of these posts are subject to confirmation hearings by the PCP (but not a veto), and unlike the other OPCC posts, a Deputy PCC does not have to be appointed on merit and is not politically restricted. The PCC may appoint other staff to his or her office as required, without confirmation hearings (including, for instance, assistant PCCs), but these must all be appointed on merit and are all politically restricted posts. The PCC also has a number of quasi-judicial powers in relation to force employment tribunals etc. and oversight of police human resource issues. [PRSR, S38-40; Schedule 8, S5; Schedule 1, S6-12; and Schedule 15, S6-7]

## Emergency services and fire

The P&CA introduced responsibilities to:

- ▶ collaborate across all three emergency services, to improve efficiency or effectiveness;
- ▶ enable PCCs to take on the functions of fire and rescue authorities (FRAs), where a local case is made;
- ▶ enable the PCC to have representation on their local FRA with voting rights, where they do not take on fire and rescue functions; and
- ▶ enable the Mayor of London to take on direct responsibility for the fire and rescue services (FRSs) in London. [P&CA, S6-8]

## Police complaints

The PCC has direct responsibility for complaints against the Chief Constable but must hand this to the IOPC to investigate. PCCs are also responsible for handling the reviews (i.e. appeals against the outcome) of less serious misconduct cases (IOPC handles the more serious cases). The PCC can put in place additional steps to handle initial contact with the public about complaints and also steps to keep complainants informed

about progress throughout the process. Equally, the PCC can leave these functions with the force and retain oversight of force handling. Under the P&CA the PCC now has a specific duty (previously an implied duty) to hold the Chief Constable to account for force complaints handling. [P&CA S13-24; Parts 2-3 of the *Police Reform Act 2002*, as amended; and Part IV, *Police Act 1996*, as amended]

## PCC complaints

PCPs are responsible for handling complaints against the PCC. If the allegation is serious (i.e. meets a criminal standard), the PCP must refer it to IOPC to deal with, but if it is not a criminal complaint, the PCP is responsible for ensuring the matter is resolved informally. [PRSR, S31; and Schedule 7]

## What powers does the Home Secretary have in relation to the PCC?

This section highlights the key powers of the Secretary of State in relation to PCCs, which are that the Secretary of State:

- ▶ sets the level of police grant, and other central government grants, and has reserve powers to mandate a minimum PCC budget locally if satisfied that safety and security is compromised; [*Police Act 1996*, S46-48 (as amended); PRSR, S22, S24-25 and S27]
- ▶ sets the precept limitations for PCCs (responsibility for Precept in Wales comes under the Welsh Government – see section **24 PCCS IN WALES** for further details); [*Local Government and Finance Act 1992*, S39]
- ▶ has powers to direct PCCs to take remedial action where either the force or the PCC is failing to discharge functions effectively; [*Police Act 1996*, S40-41]
- ▶ has general powers to direct, or make orders about contracts, collaboration agreements, and equipment; and [*Police Act 1996*, S23 and S53]
- ▶ sets the SPR, to which PCCs and chief police officers must have regard. [PRSR, S77; and *Police Act 1996*, S37A]

The above list sets out the key responsibilities and powers but is by no means exhaustive. The Secretary of State also has powers to make regulations or publish guidance about other key sections of the PRSR and other legislation.

## What other requirements apply to PCCs?

- ▶ PCCs are bound by the terms of the *Policing Protocol Order 2011* ("the Policing Protocol") which sets out key parameters about the relationship between PCCs, chief officers and PCPs [PRSR, S79]
- ▶ PCCs must observe the Financial Code of Practice issued by the Secretary of State. [PRSR, S17(6)]

- ▶ PCCs are bound by the terms of the Specified Information Order, which sets out in detail information they are expected to publish or provide to the public. [PRSR, S11(2)]
- ▶ PCCs must establish an audit panel jointly with the chief officer. [[Chartered Institute of Public Finance and Accountancy \(CIPFA\) codes of practice](#)]
- ▶ PCCs must make arrangements for custody visiting to police cells in their area by independent custody visitors. [*Police Reform Act 2002*, S51]

Various other Acts also apply to the PCC, for instance the [Equality Act 2010](#), the [Freedom of Information Act 2000](#), the [Data Protection Act 2018](#) etc.

### **PCC ethical requirements**

- ▶ PCCs are bound by [The Seven Principles of Public Life](#) (the ‘Nolan Principles’) which apply to all holders of public office.
- ▶ PCCs must also take an oath of impartiality ([The Police and Crime Commissioner Elections \(Declaration of Acceptance of Office\) Order 2012](#)) setting out key requirements about how they should behave in their role as a PCC.
- ▶ The Specified Information Order also contains requirements for PCCs to keep a register of their interests and to produce a statement of the policy of the PCC in relation to the conduct of the PCC and DPCC – the APCC has produced an ethical framework to assist with this ([PCC Ethical Good Practice Framework](#)) although some PCCs have adopted the College of Policing’s (CoP) [Code of Ethics](#).
- ▶ PCCs are subject to the Equality and Human Rights Commission (EHRC) [Public Sector Equality Duty](#). In the exercise of their functions, PCCs must have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity, and foster good relations between people who share a protected characteristic and those who do not.

# 5 POLICING PROTOCOL

▶ This section outlines the provision of the *Policing Protocol Order 2011* ('the Policing Protocol'), which sets out the key responsibility of and relationships between PCCs (and their equivalents), Chief Constables and PCPs.

## General provisions

The Policing Protocol applies to all PCCs and equivalents (except in some respects the City of London Police Authority), all Chief Constables (except the Commissioner of the City of London Police in some respects) and all PCPs. The staff of all these organisations are expected to have regard to it.

It states that the establishment and maintenance of effective working relationships by all parties is fundamental, and that it is expected that the principles of goodwill, professionalism, openness and trust will underpin the relationship between all parties, who will do their utmost to make the relationship work.

It also states that all parties should abide by *The Seven Principles of Public Life* (the 'Nolan Principles'). The way these principles apply in the public sector is set out in The Chartered Institute of Public Finance & Accountancy (CIPFA) *International Framework: Good Governance in the Public Sector*, which is relevant to PCCs and Chief Constables.

The Policing Protocol further states that the *Police Reform and Social Responsibility Act 2011* ('The 2011 Act') gives PCCs responsibility for the **totality of policing** within their force area (although this does not confer on PCCs the ability to give operational directions – see below) and that the Act requires them to hold the force Chief Constable to account for the operational delivery of policing including in relation to the SPR published by the Home Secretary (see section **8 POLICE (FIRE) AND CRIME PLANS** for more detail on the SPR). It makes the following general points:

- ▶ The 2011 Act does not impinge on the common law legal authority of the office of constable, or the duty of constables to maintain the Queen's Peace without fear or favour.
- ▶ Each PCC and their respective Chief Constable are established in law as corporations sole within the 2011 Act. In doing so both the PCC and the Chief Constable are enabled by law to employ staff and hold funds.
- ▶ The public accountability for the delivery and performance of the police service is placed into the hands of the PCC on behalf of their electorate. The PCC draws on their mandate to set and shape the strategic objectives of their force area in consultation with the Chief Constable. They are accountable to the electorate; the Chief Constable is accountable to their PCC. The PCP within each force area is empowered to support the PCC in their functions and maintain a regular check and balance on the performance of the PCC in that context.

## Police and Crime Commissioners

The Policing Protocol sets out the following points in relation to PCCs:

- ▶ The PCC within each force area has a statutory duty and electoral mandate to hold the police to account on behalf of the public.
- ▶ The PCC is the recipient of all funding, including the government grant and precept and other sources of income, related to policing and crime reduction and all funding for a force must come via the PCC. Subject to any constraints imposed by government, how this money is allocated is a matter for the PCC in consultation with the Chief Constable, or in accordance with any grant terms. The Chief Constable will provide professional advice and recommendations.
- ▶ The PCC must not fetter the operational independence of the police force and the Chief Constable who leads it.
- ▶ In order to enable the PCC to exercise the functions of their office effectively, they will need access to information and officers and staff within their force area. Such access must not be unreasonably withheld or obstructed by the Chief Constable and/or fetter the Chief Constable's direction and control of the force.
- ▶ The Policing Protocol provides a list of other legal powers and duties of the PCC.
- ▶ A PCC has wider responsibilities than those relating solely to the police force, and the Policing Protocol also provides a list of these responsibilities.

## Chief Constables

The Policing Protocol sets out the following main points in relation to Chief Constables:

- ▶ The Chief Constable is responsible for maintaining the Queen's Peace and has direction and control over the force's officers and staff. The Chief Constable holds office under the Crown but is appointed by the PCC, except in London where the Commissioner and Deputy Commissioner of Police of the Metropolis are appointed by the Queen on the recommendation of the Home Secretary.
- ▶ The Chief Constable is accountable to the law for the exercise of police powers, and to the PCC for the delivery of efficient and effective policing, management of resources and expenditure by the police force. At all times the Chief Constable, their constables and staff, remain operationally independent in the service of the communities that they serve.

- ▶ The Chief Constable is responsible to the public and accountable to the PCC for a range of other statutory duties which are listed in the document.

## Police and Crime Panels

The PCP is required to support the PCC and provide a check and balance in relation to the performance of the PCC. The PCP does not scrutinise the Chief Constable – it scrutinises the PCC’s exercise of their statutory functions. While the PCP has a role in challenging the PCC, it must also exercise its functions with a view to supporting the effective exercise of the PCC’s functions. The Policing Protocol goes on to provide a list of the main functions and powers of the PCP, the most important of which are:

- ▶ a power of veto over the precept;
- ▶ a power of veto over the appointment of a Chief Constable;
- ▶ a power to hold confirmation hearings (but not veto) in relation to other senior PCC staff (Chief Executive, CFO and Deputy PCC);
- ▶ a power to appoint an acting PCC where the incumbent PCC is incapacitated, resigns or is disqualified;
- ▶ responsibility for complaints about a PCC, although serious complaints and conduct matters must be passed to the IOPC; and
- ▶ responsibility to review and make recommendations on the PCC’s Police and Crime Plan.

If the PCP seeks to scrutinise the PCC on an operational matter, the Chief Constable may be invited (but cannot be required) to attend alongside the PCC to offer factual accounts and clarity (if needed) of the Chief Constable’s actions and decisions. The accountability of the Chief Constable remains firmly to the PCC and not to the PCP.

## The Home Secretary

The establishment of PCCs enabled the Home Office to withdraw from day-to-day policing matters, at the time the legislation was passed, giving the police greater freedom to fight crime as they see fit, and allowing local communities to hold the police to account. However, the current Government has expressed a desire to ‘lean in’ more on policing – see section **21 THE NATIONAL GOVERNANCE LANDSCAPE**. In any event, the Home Secretary retains a number of legal powers, which are set out in the protocol, including:

- ▶ The Home Secretary is ultimately accountable to Parliament and charged with ensuring the maintenance of the Queen’s Peace within all force areas, safeguarding the public and protecting our national borders and security. The Home

Secretary has reserved powers and legislative tools that enable intervention and direction to all parties, but such powers and tools will be used only as a last resort. They will not be used to interfere with the democratic will of the electorate within a force area, nor seek to interfere with the office of constable, unless the Home Secretary is satisfied on the advice of Her Majesty’s Inspectorate of Constabulary (HMIC) that not to do so would result in a police force failing or national security being compromised.

- ▶ The Home Secretary retains the legal accountability for national security and the role that the police service plays within the delivery of any national response. The Home Secretary has a duty to issue a SPR that sets out what are, in his or her view, the national threats at the time and the appropriate national policing capabilities that are required to counter them.

## Operational matters

The Policing Protocol also has a section that deals in some detail with operational independence, reinforcing that the operational independence of the police is a fundamental principle of British policing.

It states that the Home Secretary expects that the professional discretion of the police service and oath of office give surety to the public that operational independence will not be compromised. The Policing Protocol mentions that the police officers and police staff are under the direction and control of the Chief Constable of the force, and provides an illustrative list of what direction and control includes. This includes things like the ability to issue a warrant to an attested officer, discretion to investigate or require an investigation into crimes, and decisions taken with the purpose of balancing competing operational needs.

However, it notes that the Chief Constable is expected to ensure that their PCC is regularly informed of their decisions and operational activity in a timely manner, so that the PCC can hold the Chief Constable to account for the totality of policing within their force area, including the operational delivery of the police service. The direction and control of the Chief Constable does not just remain under the scrutiny of the PCC but is open to investigation and scrutiny by the IOPC within the parameters of their terms of reference

## Other matters

The Policing Protocol lists a number of other points about accountability, allocation of budgets and financial management, and provisions for reviewing or varying the Policing Protocol.

Finally, it is worth noting that, as a result of the PCC Review, the Home Office may decide to revise the Policing Protocol over the coming months, although we await confirmation of whether or not this will be the case.

# 6 'AND CRIME': COMMISSIONING

▶ This section outlines the key 'and crime' elements of the role of PCCs. It might help to cross refer to section [12 WORKING IN PARTNERSHIP](#) when reading this section.

## Commissioning

As a part of their wider police and crime plans, PCCs will need to consider the development of commissioning strategies to help deliver their local priorities. In addition to the commissioning of services to support victims of crime, this might include a range of services such as diversion/intervention, crime prevention, community safety, protecting vulnerable people, and a range of other services for which PCCs might provide funding or make grants.

To further the delivery of these services, the Home Office and the Ministry of Justice (MoJ) have previously provided bespoke, time-limited specific funds (such as the Police Transformation Fund, Early intervention Youth Fund, Serious Organised Crime Fund and Domestic Abuse Perpetrator Fund) to enable PCCs to commission a number of relevant services to meet these national and local priorities.

PCCs are also able to jointly commission services with other public sector bodies, including local Clinical Commissioning Groups (mental health, drug and alcohol services), Youth Offending Teams, the national Probation Service and local authorities in relation to various services linked to vulnerable people and safeguarding.

## Victims' Services

The MoJ devolved responsibility for the commissioning of the majority of local services to victims of crime to PCCs in 2014 and provides an annual grant to each PCC area based on the resident population. The grant covers the provision of general services for victims of crime, and some specialist services, such as domestic abuse and sexual assault. The annual grant also includes funds for the commissioning and co-ordination of Restorative Justice.

The MoJ grant is subject to certain conditions and reporting requirements which are set out in the Grant Agreement terms.

## Victims' Code

In addition to commissioning the majority of local services for victims, PCCs also have a role in providing oversight of how the criminal justice system (CJS) locally is meeting the needs of victims. The *Code of Practice for Victims of Crime* ('Victims' Code') sets out the services that must be provided to victims of crime by criminal justice agencies in England and Wales and the minimum standards for these services.

Since April 2019, PCCs have a formal responsibility for monitoring local compliance with key entitlements under the Victims' Code and reporting back on them to the MoJ.

## Probation landscape

A new probation service model is being taken forward in England and Wales which will mean that responsibility for offender management and court advice for all offenders will be held by the National Probation Service (NPS). There will be a continued role for the voluntary and private sector in the delivery of resettlement and rehabilitative interventions.

The new probation model offers an opportunity to develop the joint working relationship between the NPS and PCCs and build links with wider CJS partnership-working arrangements. The aim of this is to:

- ▶ promote strategic partnership-working across CJS and wider partners, such as health, accommodation and employment, and an integrated focus on the wider outcomes and pathways that help reduce crime and reoffending;
- ▶ align the commissioning of services that supports offenders or contribute to wider reducing reoffending outcomes by identifying shared needs, agreeing priorities and exploring co-commissioning opportunities;
- ▶ bring greater transparency to probation service performance and enable the development of a shared view at local and regional levels which is linked to wider CJS performance; and
- ▶ ensure emerging local issues are identified and escalated to the appropriate level to be addressed.

The new arrangements come into place in Wales at the start of 2020 and in England in 2021.

# 7 FIRE AND RESCUE GOVERNANCE

▶ This section sets the main points about governance of FRSs and the options available to PCCs. Please note that fire governance is one of the issues considered in the Home Office's PCC Review and further change in this area may emerge when the results of the review are published.

## The legislation

The *Policing and Crime Act 2017* ('the Act') sets out the current legislation on fire governance.

The Act provides PCCs (England only) with the option to:

- ▶ request to join their local fire and rescue authority as a full voting member; or
- ▶ replace the fire and rescue authority and take on their duties (subject to the process set out in the Act).

To date, a limited number of PCCs have taken up the option to join their local fire and rescue authority as a voting member. This option provides opportunity for PCCs to contribute to decisions about fire and rescue governance and to help encourage greater collaboration and develop shared areas of business. However, please note that the decision on whether a PCC can join the fire and rescue authority is for the authority's members and membership can be refused.

PCCs seeking to go a step further and take on fire and rescue duties must first develop a business case and consult locally prior to submitting their case to the Home Secretary who will take a final decision.

To date, four PCCs have successfully taken on full fire and rescue authority duties (Essex, Northamptonshire, North Yorkshire and Staffordshire), thus becoming Police, Fire and Crime Commissioners (PFCCs).

Under this model of governance, both fire and policing maintain their identities, and this is **not** a takeover of one service by another. PFCCs have similar responsibilities over fire as they do for policing including:

- ▶ appointing/removing the Chief Fire Officer;
- ▶ setting the budget for the Fire and Rescue Service (FRS);
- ▶ setting priorities for the Chief Fire Officer via a Fire and Rescue Plan (there is the option to form a joint Police and Fire Plan); and
- ▶ putting in place arrangements to deliver an efficient and effective FRS.

## Benefits of taking on fire governance

Benefits to this approach include the potential to further police-fire collaboration and the four PFCCs that have taken on fire responsibilities have so far made progress in realising savings by bringing together back office roles (IT, Human Resources (HR), communications and training) in fire and police as shared services, resulting in tangible savings in each area that can be reinvested into the services. Dual governance of both services

provides opportunities for better integrated service, with more effective use of resources and better service provision for the public. An example of this can be taken from Northamptonshire's FRS, which had accrued significant financial difficulties under the previous fire authority, resulting in government intervention. The PFCC has overseen major change including the first investment in the service for over a decade, replacing outdated fire fleet and making £300,000 of savings through shared management costs for fleet, estates, project management and administrative support – more detail is in the example below.

Examples of how the joint oversight role of the PFCC model has helped maximise opportunities include:

### Essex

A bespoke Essex Emergency Services Collaboration Team, managed by the PFCC's office, has established a 'co-use' scheme to enable police officers, police community support officers (PCSOs) and special constables to use fire stations as drop-in centres. This activity serves as an enabler for a future joint estate strategy, which historically had been held back by lack of trust and the absence of strategic collaborative direction. Added benefits for police officers, PCSOs and special constables revolve around their availability in communities rather than travelling to and from police stations, a particular benefit in rural areas.

The PFCC has also taken the initiative to create a voice for police and fire in any new commercial developments within the area. Essex has significant proposals for the development of new homes, 180,000 in total by 2036, pointing to a significant increase in populations, road use and commercial developments. Through a safer by design concept, the PFCC's Emergency Services Collaboration Team are working together with local authorities and developers to design out risk of crime and fire proactively.

The PFCC is also working to better capture tangible benefits of collaboration to ensure delivery is measurable and transparent.

### Northamptonshire

Whilst the financial difficulties inherited by the PFCC has meant the initial focus has been on delivering stability in Northamptonshire the PFCC has prioritised collaboration. Under the PFCC model, a Director of Enabling Services has been appointed. Funded by and jointly managed by the Chief Fire

Officer and Chief Constable, this appointment has led to a rapid move towards the aspiration of truly shared services, including Finance, Fleet and HR. This approach aims to deliver long-term financial savings and importantly improve the sharing of assets,

generation of ideas and create efficiencies to be reinvested into front-line services.

Additionally, the transfer of governance to the PFCC has allowed for the creation of a thorough capital investment programme that has seen the first investment in fleet and effective IT for many years. The governance transfer has led to increased firefighter recruitment, increased pump availability and improved response times.

### **North Yorkshire**

On taking over fire governance the PFCC inherited a significant budget deficit of £1.2 million, predicted to increase to £2.5 million by the end of the Medium-Term Financial Plan and forecasting in 2022/23. The situation meant opportunities to deliver savings were all the more pressing.

To improve the situation, the PFCC established a Finance Working Group to identify savings, set an emergency budget to enable the service to operate within its means, and reviewed the service's approach to financial planning. Savings are now forecast to reach £8 million across North Yorkshire FRS and North Yorkshire Police – £1.4 million more than original estimations.

The PFCC has created a joint vision, which aligns objectives for policing and fire and provides a single estates strategy, including a joint headquarters. The launch of 'ENABLE North Yorkshire' brings together the business support functions across the two services. This is helping to drive efficiency by standardising, simplifying and aligning support services, ensuring both services can respond better to future demands and challenges.

The PFCC is piloting a place based Public Safety Officer (PSO) role. The PSOs work across local partners with a focus on preventing vulnerability before it can cause harm across a range of health, fire and crime problems, by promoting fire safety and health and wellbeing and helping solve local anti-social behaviour concerns. The role also provides resilience to blue-light services response.

### **Staffordshire**

Early priorities for the PFCC included the creation of joint enabling services to share best practice from each organisation and maximise opportunities arising from increased scale. As a result of these efforts, in 2019 the PFCC oversaw work to introduce single services to deliver HR, estates and facilities management, commercial and procurement, communications and finance functions to both police and fire. This has delivered recurring annual savings of over £600,000 in addition to savings realised from the change in governance itself. Further savings will be realised through ongoing transformation work such as common information and communications technology (ICT) systems.

Since bringing the two services under one form of governance there has been significant movement on considering the Police

Fire estate as a joint asset and identifying opportunities for the co-location of bluelight services. This approach has generated further significant savings in running costs, with proceeds from property sales invested back into the delivery of front-line services. Colocation has also enabled better joint working and sharing of neighbourhood intelligence, particularly around vulnerable missing persons, leading to more positive outcomes for communities. Despite inheriting services with serious financial concerns, the PFCC model has enabled significant savings to be achieved.

### **Additional benefits**

Additional benefits derived from the PFCC model include the ability to develop public accountability in fire and rescue. By replacing appointed members of a fire and rescue authority with a directly elected PFCC, the public have greater clarity as to who is responsible for the oversight of their local FRS, as well as a definitive mechanism to hold the elected representative to account come election time. The presence of an independent police, fire and crime panel provides further accountability, as this body is able to scrutinise the work of the PFCC.

Additionally, similar to PCCs, PFCCs have statutory duties to engage with the public and develop Fire and Rescue Plans, further strengthening the links between the delivery of the service and the public. There is no such mechanism required of fire and rescue authorities.

All PFCCs have published new Fire and Rescue Plans within their local areas and have also introduced public performance arrangements to deliver transparency and accountability, with some areas holding joint fire and police performance meetings and inquiries into shared areas of business such as vulnerability.

### **APCC support**

The APCC provides valuable support and advice to PCCs, be it to help PCCs to develop business cases to take on fire governance, and later to effectively fulfil their new duties, or to assist with bluelight collaboration through guidance on barriers, principles and evaluation of these collaborations. The APCC also supports PFCCs in their national roles, including representation on Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) External Reference Group for Fire, the Fire Standards Board and regular meetings with the Fire Minister and the Home Office.

### **Arrangements in Wales**

The responsibility for FRSs in Wales is devolved to the Welsh Government. Welsh policing has well embedded partnership working arrangements with the FRS. However, PCCs in Wales will not have the same option as PCCs in England to expand their role to include governance of other blue light services.

# 8 POLICE (FIRE) AND CRIME PLANS

▶ This section sets out some key information for candidates about Police and Crime Plans, including statutory requirements in relation to their content, working with the Chief Constable (and, where appropriate, the Chief Fire Officer) in relation to the force/fire service priorities which the plan will set. Candidates might wish to consider some of these issues in developing their election manifestos.

## What is a Police and Crime Plan?

Police and Crime Plans are a statutory requirement of the *Police Reform and Social Responsibility Act 2011*. They are developed and owned by the PCC in each area and form a critical component of how the PCC secures efficient and effective police and criminal justice services, holds Chief Constables to account and sets the budget and strategic direction of police and other services within the PCC's remit.

The plan acts as both a planning tool for PCCs and an important mechanism for communicating their intentions to the public, police, partner agencies, PCP and other stakeholders. The plan also sets a framework by which the PCC's achievements during their term in office can be judged. PCCs must have regard to the plan throughout their term of office and when exercising their functions, as should Chief Constables.

## What should a Police and Crime Plan include?

The Police and Crime Plan should determine, direct and communicate the PCC's priorities for their local area during their period in office, including:

- ▶ the PCC's police and crime objectives for the area;
- ▶ the policing of the police area which the Chief Constable is to provide;
- ▶ the financial and other resources which the PCC is to provide to the Chief Constable;
- ▶ the means by which the Chief Constable will report to the PCC on the provision of policing;
- ▶ the means by which the Chief Constable's performance in providing policing will be measured;
- ▶ the services which the PCC is to provide or arrange to support crime and disorder reduction, or help victims or witnesses of crime and anti-social behaviour; and
- ▶ any grants which the PCC is to make, and conditions (if any) of those grants.

The objectives of the Police and Crime Plan and the actions that underpin them should be informed by a comprehensive understanding of local needs and resources, based on local performance data; officer, staff and stakeholder consultation; and financial information, amongst other resources.

It is important not to make promises on areas that are the operational responsibility of the Chief Constable – examples

include promises to arrest on certain crime types or following certain types of incident, or promises to ban the police from using certain police tactics. These are not within the remit of the PCC.

The objectives outlined in a Police and Crime Plan should also be informed by:

- ▶ the elected manifesto which sets out the PCC's pledge to the people and communities they serve;
- ▶ the SPR – it is a **statutory requirement** to include this in the Police and Crime Plan. The SPR is issued by the Secretary of State periodically, and sets out current national threats (e.g. terrorism, civil emergencies, threats to public order, Serious and Organised Crime (SOC), large-scale cyber incidents, child sexual exploitation etc) and the national policing capabilities required to counter them. The SPR structure and threats are currently under review with an expected revised SPR published in January 2021;
- ▶ priorities of the local police force; and
- ▶ priorities of other partner agencies and other stakeholders.

Developing a Police and Crime Plan should be viewed as a key part of a wider cycle of strategic planning. In developing the plan, the PCC has a statutory duty to consult the Chief Constable, local people and victims of crime. Robust governance arrangements should be embedded to ensure that plans are the product of effective consultation and informed by sound analysis.

## Public Sector Equality Duty

Under the Public Sector Equality Duty (PESD) in the *Equality Act 2010*, PCCs are required to have due regard to the need to eliminate conduct prohibited by the Act (such as discrimination, harassment and victimisation), advance equality of opportunity and foster good relationships between different people.

The Police and Crime Plan can be a means to demonstrate the PCC's commitment to meeting these aims, either through including a discrete Statement on Equality and Diversity, and/or ensuring that these commitments are included throughout the plan. Although not a legal requirement, it is often helpful to undertake a structured process to assess the equality impact of the Police and Crime Plan.

## Police, Fire and Crime Commissioners

The *Policing and Crime Act 2017* reformed the local governance of FRSs by enabling mayors and PCCs to take on responsibility for



their FRS where a local case is made. This applies to England; in Wales the responsibility for FRSs sits with the Welsh Government.

In such cases, PFCCs will be required to publish both an Integrated Risk Management Plan, which demonstrates how prevention, protection and response activities will best be used to prevent fires and other incidents, and a Fire and Rescue Plan setting out the PCC's strategic vision for the FRS in their area. The Government's expectation is that PFCC's plans should inform the Integrated Risk Management Plan which should in turn outline how the PFCC's priorities will be met.

PFCCs may combine their Fire and Rescue Plan with their Police and Crime Plan if they wish, and produce a joint Police, Crime and Fire & Rescue Plan.

In developing their plans, PFCCs must also consider the *Fire and Rescue National Framework for England* as set by the Secretary of State.

## **Role of Police (Fire) and Crime Panel**

The PCC is required to send their draft plan (whether a Policing and Crime Plan, or a Fire and Rescue Plan, or a combination of the two) to their PCP. The PCP must review it and, where appropriate, provide a report or make recommendations on it (or on any variation to the plan, as appropriate). The PCC must have regard to and respond to any report or recommendation made by the PCP, and publish this response before the plan is issued.

## **When should a plan be issued?**

The PCC is required to issue a Police and Crime Plan as soon as practicable after taking office and, in any case, before the end of the financial year (31 March) in which the PCC is elected.

As the PCC is required to consult various stakeholders on the plan at different stages of its development, it is advised that a comprehensive engagement plan is developed at an early stage to ensure that consultation activities are synchronised with the PCC's other duties.

The PCC may vary an existing plan or issue a new one at any time during their period in office and must keep the plan under review. In practice, most PCCs revise their plan annually to ensure it is keeping pace with developments in the policing, criminal justice and partnership landscape.

# 9 HOLDING TO ACCOUNT

► This section outlines the main features of a PCC's statutory duty to hold the Chief Constable to account for the provision of policing services in their area.

## General approach

One of the main responsibilities of a PCC (or equivalent) is to hold the Chief Constable (or equivalent) to account for the efficient and effective policing of an area on behalf of the public. This responsibility is touched on in the Policing Protocol (see section [5 POLICING PROTOCOL](#)), which notes that the Chief Constable has operational independence, but is accountable to the PCC for the delivery of policing services. In particular, the PCC holds the Chief Constable to account for delivery against the Police and Crime Plan (see section [8 POLICE \(FIRE\) AND CRIME PLANS](#)). It is therefore important that the plan is set out in such a way that expectations are clearly defined.

It is up to the PCC to decide what accountability mechanisms to use in discharging this duty. Since 2012, PCCs have used a variety of means including the following:

- Public accountability meetings – either held in public or webcast for the public to view where the public can see the PCC hold the Chief Constable to account;
- Private accountability or scrutiny meetings either focused on delivery against the Police and Crime Plan (or specific aspects of the plan), or in relation to the Chief Constable's management of resources and expenditure by the police force, or on other aspects of the delivery of policing in the area. These should be minuted to provide an audit trail.
- Formal reports from the Chief Constable on progress against the plan.
- Advisory committees – for example, some PCCs have set up ethics committees or committees to oversee trends in complaints, while all PCCs must have audit committees (usually jointly with the force) that can be tasked to look at specific performance issues.
- Attendance by the PCC or his/her staff at existing force performance/scrutiny meetings.
- Private informal meetings with the Chief Constable or his/her senior staff.

In practice, most PCCs will use a mixture of approaches, depending on the issue. The Association of Policing and Crime Chief Executives (APAC2E) has produced a *Holding to Account* toolkit for OPCCs in this area.

## Performance

It is a statutory requirement that Police and Crime Plans should include the means by which the Chief Constable will report to

a PCC on his/her provision of policing and the means by which the Chief Constable's performance in providing policing will be measured.

Some PCCs have set targets for their police force, although a review into the use of targets commissioned by the then Home Secretary in 2014 concluded that PCCs should consider the potential negative impact of setting numerical targets in their police and crime plans (which can produce perverse incentives and 'gaming' behaviour). The report concluded that the focus should be on outcomes, rather than numbers – however, a range of numeric information is still gathered both locally and centrally (e.g. in relation to crime recording). The Office for National Statistics, however, considered some of this information to be unreliable and it no longer relies on these figures to develop their national crime statistics – instead they use the Crime Survey for England and Wales (although they do still use police statistics for some thematic reports).

Most PCCs do, however, monitor and report on force performance against more qualitative measures, so that they can determine success against their Police and Crime Plan. Most PCCs will have a member of staff who can provide performance advice, and most will have access to national and local databases of management information.

In addition, HMICFRS has recently introduced Force Management Statements, which are designed to capture a range of information and data from forces to inform HMICFRS' inspection of forces. These documents contain a range of management information from the force, which should be shared with the PCC and can be a useful tool to check on the overall health of the force and inform future planning based on policing need.

HMICFRS also conducts regular inspections in forces, which provides a detailed qualitative view on force performance. This is another resource by which the PCC can hold the Chief Constable to account.

The PCC is required to publish an Annual Report at the end of each financial year reporting on how the Police and Crime Plan is being met. In addition, the PCP may ask for regular reports on progress against the plan to scrutinise how the PCC is delivering or holding the Chief Constable to account for delivery on these commitments.

# 10 POLICE FINANCE: THE LOCAL CORPORATE AND FINANCIAL PROCESS

► This section provides an explanation of the local corporate financial process. It outlines the timetable for the strategic planning process for a typical PCC although each one of course will be slightly different; it also describes statutory roles, responsibilities and relationships; financial management; good governance and the role of the Joint Audit Committee.

Only a very high-level view has been provided in this section, but further and more detailed information can be found in the source documents referenced as well as from the PCC's CFO.

## The local corporate and financial processes for a typical PCC – what is the annual timetable?

The timetable below sets out the typical sequence. However, the dates may vary according to the arrangements adopted in each local area:

### April

Consultation with community and partners on current year programmes.

### May

Provisional financial and performance outturns for previous year. Draft unaudited Statements of Account produced.

### June

Position statements: benchmarking of financial, operational and strategic performance based on previous and current year data.

### July

Review of future objectives (where do we want to be?) and options (how do we get there?). Final Audited Statements of Accounts for the previous financial year published, and preparation of Annual Governance Statement (for the 2019/20 financial year, this was extended from July due to the impact of the COVID-19 pandemic).

### August/September

Discuss initial budget options for the following financial year, with the Chief Constable and partners; balancing of aspirations and likely resources.

### September/October

Detailed 'bottom up' budget setting undertaken by the Finance Department and refresh of the Medium-Term Financial Plan. Plan consultation with the public on proposed precept before January. Initial liaison with the PCP on the emerging future financial picture, Police and Crime Plan priorities and draft strategy for commissioned services.

### November

Chief Constable's budget bid received and scrutinised.

### December

Provisional Government Grant Settlement received, plus guidance on Council Tax levels and referendum rules.

### December/January

Formal draft budget presented to the PCP; firmed up commissioning plans.

### January

Finalisation of budget options; Council Tax and reserves strategy. Final Grant Settlement received. Submission of PCC's precept to the PCP.

### February

A four-week process of precept scrutiny follows if the PCC's initial precept proposal is vetoed. Agree final precept (and billing arrangements to include in Council Tax demands). Finalise detailed budget and commissioning plans. Publish Budget.

### March

Agree financial and performance targets with Chief Constable and partners; public and media announcements about Budget and future plans.

## What statement of accounts does the PCC have to prepare?

Under the *Police Reform and Social Responsibility Act 2011* ('the Act'), both the PCC and the Chief Constable are required to prepare separate Statements of Account. In addition, the PCC is required to prepare a set of group accounts covering both the PCC and the force.

## Who supports the PCC to fulfil their financial responsibilities?

In terms of a PCC's financial responsibilities their primary financial relationship will be with the PCC CFO (commonly known as 'the Treasurer'). Preparation of budgets and day-to-day management of the PCC's financial affairs will normally be in the hands of this officer. This officer holds statutory responsibilities for advising the PCC on the robustness of the budget and the adequacy of reserves, and also for issuing formal notices in the event of potentially illegal spending or unfinanced budgetary shortfalls.

## Who else does the PCC need to engage with around financial planning?

The PCC will engage with a range of other bodies and individuals in relation to different aspects of the financial and corporate process. These include:

- the Chief Constable;

- ▶ the Chief Constable's CFO, who also holds statutory responsibilities, but in relation to force finance;
- ▶ the PCP, which must be consulted on the precept and holds the potential power of veto;
- ▶ the external auditor, who reports on the PCC's statutory Statement of Accounts and Governance arrangements (and in Wales on the arrangements to secure Value for Money (VfM));
- ▶ the Joint Audit Committee, which holds joint responsibilities in relation to the PCC and Chief Constable for ensuring confidence in how public money is spent and provides safeguards about the financial probity and standards of good governance for the PCC and the force;
- ▶ HMICFRS, which undertakes force inspections, but has no remit to review or inspect PCCs; and
- ▶ the public and partners.

### How are the finances of the PCC managed?

PCCs operate within the overall framework of the Act, the national Policing Protocol, and the SPR. Financial management will in turn operate within a framework established initially by national guidance, and then customised for local circumstances. More information can be found from the following sources:

- ▶ The Home Office *Revised Financial Management Code of Practice* (setting out the roles and relationships between the PCC, Chief Constable and the two CFOs).
- ▶ The new CIPFA *Financial Management Code*, which is due to be implemented on 1 April 2021
- ▶ Financial regulations (governing day-to-day financial management and controls, including authorisation to spend money, enter into contracts, and to transfer funds within the budgets (virement)).
- ▶ Local schemes of consent (providing for specific decisions and responsibilities to be undertaken on behalf of the PCC).
- ▶ PCP Regulations, outlining the process and timetable for setting the precept.
- ▶ CIPFA guidance on the roles of the two CFOs. Note that CIPFA has a quasi-regulatory role in relation to financial governance and audit standards.
- ▶ The CIPFA/SOLACE (Society of Local Authority Chief Executives) *Delivering Good Governance in Local Government: Framework* (the PCC is required to carry out an annual review of governance and prepare an Annual Governance Statement). A separate framework and guidance has been drawn up for police.

- ▶ Treasury Management Strategy (management of cash balances and borrowings; guidance issued by CIPFA), investment strategy, capital strategy and reserves strategy.
- ▶ Prudential Code plus Welsh Government legislation as applicable (*The Prudential Code for Capital Finance in Local Authorities* (2017 edition)).
- ▶ Risk Management Strategies (guidance produced by Audit Commission and CIPFA/SOLACE).

### What are the main sources of financial information?

The main sources of detailed financial information available to the PCC include:

- ▶ CIPFA *Police Statistics* (twice-yearly publication covering estimates (May) and previous year outturn (October));
- ▶ police objective expenditure analysis (prepared by CIPFA);
- ▶ APCC circulars;
- ▶ Police and Crime Commissioners Treasurers Society (PaCCTS) publications (annual surveys on budget and precept options, reserves and one-off consultations);
- ▶ Somerset County Council (PCC CFOs have a contract with the council to supply regular technical updates and analysis on grants and other police financial matters);
- ▶ HMIC/CIPFA VfM indicators (detailed analysis of costs and spending; benchmarking against other forces); and
- ▶ Taxation Panel (PCCs and forces have increasingly complex obligations on PAYE, VAT, and Corporation Tax. A Police Forum has been established jointly by CIPFA, National Police Chiefs Council (NPCC) and HMRC.

### What is good governance?

Good governance is about how bodies ensure that they are doing the right things, in the right way, for the right people in a timely, inclusive, open, honest and accountable manner.

Guidance on implementing robust governance principles for all local bodies is issued by CIPFA /SOLACE. A separate Statement of Principles issued jointly by APCC/APAC2E/NPCC/PaCCTS/ CIPFA and the Home Office describes the approach to governance within policing.

### What is the requirement for audit and what additional responsibilities might a Joint Audit Committee assume?

An Audit Committee must be in place to deal with audit and related matters for both the PCC and the Chief Constable. The

*Revised Financial Management Code of Practice* recommends that a joint arrangement should be established.

Good governance requires independent, effective assurance about the adequacy of financial management and reporting. These functions are best delivered by an independent Joint Audit Committee. In addition to the basic responsibilities for internal and external audit, the committee may take on oversight of risk management, VfM, whistleblowing, local protocols and local codes of governance.

The CIPFA publication *Audit Committees: Practical Guidance for Local Authorities and Police* (2018 Edition) provides standard terms of reference for local audit committees to consider, as part of a self-assessment process.

# 11 COLLABORATION

▶ This section sets out the main rules which apply to collaboration arrangements between police forces and PCCs. Collaboration arrangements can help to facilitate certain types of back-office services and well as certain types of operational delivery to help achieve greater efficiency and greater consistency between areas.

## What legislation governs collaboration arrangements?

There are a number of different types of collaboration which are covered by different legislation:

- ▶ The most common form of collaboration, relevant to longer term arrangements between forces and PCCs is set out in sections 22A-23I of the *Police Act 1996*.
- ▶ Short-term assistance between forces, known as 'mutual aid', is set out in section 24 of the *Police Act 1996*.
- ▶ The arrangements for 'blue light' collaboration (police, fire and ambulance services) are set out in the *Policing and Crime Act 2017*.
- ▶ There is also collaboration with local authorities – this tends to be in relation to back office services, and these are governed through Service Legal Agreements.

## S22A collaboration agreements

Collaboration agreements (or S22A agreements as they are sometimes known) can be made between two or more PCCs, or two or more police forces and PCCs (note that forces cannot make collaboration agreements without their PCC also being a part of the agreement). This model assumes that there will be one lead force and PCC charged with leading the delivery and governance of the service within the agreement, but with the arrangements for setting strategic direction, funding and governance agreed collectively by the PCCs that are party to the agreement. Likewise, Chief Constables that are party to the agreement will collectively approve the delivery plan, monitor the operational effectiveness and efficiency, and monitor compliance with standards.

The legislation places a duty on PCCs and Chief Constables to keep under consideration whether collaboration could improve the efficiency and effectiveness of their force and one or more other forces or policing bodies – in other words, it contains an obligation to consider the greater good, not just the force for which the PCC is responsible.

Because force collaboration agreements can provide for:

- ▶ the joint discharge of functions by members of police forces;
- ▶ members of a police force to discharge functions in another force's area; or
- ▶ members of a police force to be provided to another force

the agreements must also contain provisions about how the relevant PCCs can hold the relevant Chief Constable(s) to account, as well as the share of funding contributed by each PCC that is party to the agreement.

There are some collaboration agreements which are between two or three forces and their PCCs, but the majority are usually developed on either a regional basis, or on a national basis (see below for more information on these).

They can be used to achieve greater efficiencies of scale in back office services between one or more forces/PCCs. Equally they can be used for operational collaboration and to spread more evenly and consistently the provision of specialist operational services, for instance in relation to SOC or forensic services.

## S22A template agreement

APACE has recently developed a template for S22A collaboration agreements. The main drivers for this development was to ensure:

- ▶ resources are saved (time and legal costs) – rather than having to commission lawyers to draft an agreement each time one is needed.
- ▶ PCC governance is bolstered, to enable effective oversight of the agreement, as expressed in the legislation; and
- ▶ there is one version of the 'truth' which will bring consistency across key provisions.

The template can be adapted for different services being provided and for both regional and national collaborations.

## Regional collaboration arrangements

All regions have at least some collaboration arrangements under S22A in place. Typically, these will support a range of specialist police units at regional level, such as Regional Organised Crime Units (ROCU), police diving teams, etc, so that their services can be spread across the region. They may also cover a range of back-office services provided on a regional basis, such as HR services.

## National collaboration agreements

There are a number of national collaboration agreements under S22a, to which all PCCs and chiefs are parties. These include:

- ▶ The collaboration agreement under which the NPCC was created and operates.
- ▶ The recent collaboration agreements for Transforming Forensics (under which efficiencies can be driven through new

national forensics frameworks and processes, and support provided on quality standards and accreditation), and the agreement for the Forensics Collision Investigation Service, which performs a similar function in relation to road collisions.

- ▶ There are several other national collaboration agreements which include (but not exhaustively), the National Police Coordination Centre, National Police Freedom of Information and Data Protection Central Referral Unit, National Wildlife Crime Unit (NWCU), the National Police Air Service (NPAS) and the National Counter Terrorism Policing HQ. Mostly these relate to providing specialist policing services on a national basis.

## Mutual aid arrangements

As noted above, these are covered under section 24 of the *Police Act 1996* and enable one Chief Constable to apply to another Chief Constable for assistance to help to meet any special demand on the force resources. The Home Secretary also has powers to direct that one police force should provide assistance to another. Police personnel sent to help another force are under the direction and control of the receiving Chief Constable. The PCC responsible for the force to whom assistance is sent is responsible for reimbursing the PCC that has provided the resources – usually this amounts to paying the salary/relevant overtime of the personnel involved during the period they were on loan. If there is disagreement as to the sums involved the Home Secretary can direct the amounts to be paid.

In practice, most mutual aid is arranged through the National Police Operations Co-ordination Centre (NPOCC), which is a part of the NPCC. It holds a comprehensive list of the skills, specialisms and equipment available in forces, to ensure that the right people are sent to tackle the particular challenges involved in each case requiring mutual aid. This includes for instance, significant events like major public protests, G7/8 meetings, or presidential visits, where resource needs drawing from across the country to support policing in a particular area for a limited period of time.

## Blue light collaboration

The *Policing and Crime Act 2017* sought to improve interest and take up of bluelight services working together by placing a statutory duty upon emergency services (ambulance, fire and police) to keep collaboration opportunities under review and, where it is in the interests of their efficiency or effectiveness, to put those collaboration opportunities into practice (England only). This is similar to the duty under S22A about police to police collaboration.

As a result, PCCs have worked closely over the last few years with blue light services including ambulance and fire to help link up emergency service responses – at both an operational and strategic level, to help keep our communities safe. This includes

sharing of buildings and joining up services at a local level, to help turn this duty into a reality on the ground. For instance, arrangements to provide mental health triage services for certain individuals where the police have been called to assist.

In the past two years, the APCC has worked alongside PCCs, blue light sector leaders and inspectorates with the aim of supporting greater collaborative opportunities.

## Local authority collaboration

Where collaboration with local authorities is in place, it is generally for back office services, and can help achieve efficiencies in relation to services such as HR, payroll, estate and facilities management, ICT services, or other corporate functions. This form of collaboration is generally provided under a legally binding Service Level Agreement, which sets out the specific arrangements for the collaboration in each circumstance where it is used.

# 12 WORKING IN PARTNERSHIP

▶ This section provides an overview of key local partnerships that PCCs work with to develop and deliver their priorities for crime reduction and community safety. See also section 20 [KEY NATIONAL PARTNER ORGANISATIONS](#) and section 21 [THE NATIONAL GOVERNANCE LANDSCAPE](#) for more information about recent developments in this area.

## Introduction

PCCs work closely with a wide range of local agencies to deliver their Police and Crime Plans, reduce crime, and make communities safer. These include local government, criminal justice services (e.g. probation and prisons), the NHS, public health, community and third sector organisations, local businesses and 'bluelight' and emergency services.

The role of PCCs and the way that they will work with partners can vary from forum to forum and from area to area, and will include:

- ▶ discharging statutory responsibilities – specifically by working with local Community Safety Partnerships to develop local approaches to reduce and prevent crime and working with their criminal justice partners to deliver efficient and effective CJS services;
- ▶ developing involvement/links into key local partnerships where they do not have a statutory role (for example, Local Resilience Forums (LRFs) and Health and Wellbeing Boards (HWBs)); and
- ▶ developing innovative approaches to crime reduction with partners (for example, leading the work of Violence Reduction Units (VRUs) in 18 police force areas.

## Key partnerships

### Community Safety Partnerships

Section 6 of the Crime and Disorder Act 1998 requires the responsible authorities in a local government area – commonly referred to collectively as a Community Safety Partnership (CSP) – to work together to formulate and implement strategies to tackle local crime and disorder in that area.

CSPs are made up of representatives from the police, local council, fire service, health service, probation as well as others. S11 of the *Police Reform and Social Responsibility Act 2011* (PRSR) places a mutual duty on these bodies and the PCC in the area to co-operate with each other.

The purpose of CSPs is to make the community safer, reduce crime and the fear of crime, reduce anti-social behaviour and work with business and residents on the issues of most concern to them. CSPs have a responsibility to share their community safety agreement or partnership plan with the PCC for the force area and to work with PCCs more broadly. PCCs are expected to play a leadership role in bringing the CSP partners together to deliver outcomes for the public.

CSPs are organised at district and metropolitan council level, so there will generally be several CSPs within a PCC's area.

### Local Criminal Justice Boards

PCCs have a significant role to play within the local CJS. The PRSR sets out the reciprocal duty on PCCs and other criminal justice agencies to work together to provide an efficient and effective CJS for their police force areas.

One way this works effectively is through Local Criminal Justice Boards (LCJBs). LCJBs themselves are non-statutory bodies whose purpose is to contribute to improving the efficiency and effectiveness of the CJS at a local level by bringing together senior strategic partners from the relevant CJS agencies such as the police, the courts and the CPS. PCCs provide leadership and transparency for the CJS at a local level and play a leading role in these boards; the expectation is that the PCC will usually chair the board.

Some areas will have other partnership boards working alongside or reporting into the LCJB, such as Reducing Offending Boards and Victims and Witnesses Sub-Boards. There are often partnership boards and other structures with a particular focus on domestic abuse and sexual violence, and PCCs will want to play a leading role in these, given their particular responsibilities in respect of victims of crime, and commissioning local support services for victims.

### Local Resilience Forums

LRFs were established by the *Civil Contingencies Act 2004*, which still provides the legal framework, and predates the creation of PCCs. These forums have had a lead role in co-ordinating the response to the COVID-19 pandemic. Neither PCCs nor their offices are statutory members of LRFs, and an APCC call for evidence found significant variations in local approaches to PCC and/or OPCC involvement, and the APCC is pressing the Government for change in this area.

There are 42 LRFs corresponding to police force boundaries, with separate arrangements in London. They assess risks and produce emergency plans to either prevent or mitigate the impact of localised incidents and serious emergencies on their communities. The statutory membership of LRFs is made up of Category 1 responders (i.e., the emergency services) and some Category 2 responders (mostly utility companies, voluntary aid services and transport organisations).

While PCCs are not statutory members, PFCs are a partial exception to this rule. Fire and rescue authorities in England are



Category 1 responders, and so PFCCs are statutory members of LRFs, but only with respect to their fire and rescue responsibilities and not policing and crime reduction.

### Violence Reduction Units

The Home Office announced that 18 PCCs would share £35 million in 2019 to establish VRUs, to bring together police, local government, health, community leaders and other key partners to prevent serious violence by addressing its root causes and develop a co-ordinated strategic response to drive it down. A further £35 million has been provided for VRUs in 2020-21.

VRUs have no statutory basis, and are only operating in some force areas, but are PCC-led partnerships with a critical role in developing innovative responses to serious violence, including reducing knife crime and preventing the recruitment of vulnerable young people into gangs.

The 18 VRU areas are:

- ▶ the Metropolitan Police;
- ▶ West Midlands;
- ▶ Greater Manchester;
- ▶ Merseyside;
- ▶ West Yorkshire;
- ▶ South Yorkshire;
- ▶ Northumbria;
- ▶ Thames Valley;
- ▶ Lancashire;
- ▶ Essex;
- ▶ Avon and Somerset;
- ▶ Kent;
- ▶ Nottinghamshire;
- ▶ Leicestershire;
- ▶ Bedfordshire;
- ▶ Sussex;
- ▶ Hampshire; and
- ▶ South Wales.

### Health and Wellbeing Boards

HWBs were established under the *Health and Social Care Act 2012* to bring key leaders from the local health and care system together to improve the health and wellbeing of their local population. While they lack some statutory powers, they are significant local forums that bring partners together to discuss

and address shared issues and develop 'joined up' approaches to them.

HWBs are statutory committees of upper-tier local authorities and have a statutory duty to produce a joint strategic needs assessment (JSNA) and a joint health and wellbeing strategy (JHWS). PCCs are not statutory members of HWBs, but many include PCCs among their invited membership or link up with them in other ways, and they play a role in developing strategy and services in key areas of PCC concern (e.g. drug and alcohol treatment and support for vulnerable children and young people).

### Partnership arrangements in Wales

More detail on arrangements in Wales is set out in the section on PCCs in Wales (see section **24 PCCS IN WALES**), but a summary of the partnership arrangements is set out below.

#### Public Service Boards (Wales)

Public Services Boards (PSBs) improve joint working across all public services in each local authority area in Wales. Each board must carry out a well-being assessment and publish an annual local well-being plan. The plan sets out how they will meet their responsibilities under the *Well-being of Future Generations (Wales) Act 2015*.

Members include the local authority, Natural Resources Wales, FRSs, and health boards, with Welsh Ministers, PCCs, Chief Constables, probation services and voluntary services invited to attend.

#### The Policing Partnership Board for Wales

The purpose of the Board is to:

- ▶ promote and co-ordinate partnership working between the Welsh Government and public services under its devolved remit with policing in Wales;
- ▶ ensure that the Welsh Government and the police service in Wales are informed of their respective challenges and the impact that they have on the public in Wales;
- ▶ enable the Welsh Government and the police service in Wales to identify the implications of the UK and Welsh legislative programmes and the impact on the public in Wales;
- ▶ have due cognisance of regulations and guidance issued by the Home Office, the MoJ, the NCA, HMICFRS, the IOPC, the CoP and other relevant bodies and their impact in an otherwise devolved environment; and
- ▶ identify and, where appropriate, agree collaborative initiatives that support the prosperity of Wales, and the principles and goals of the *Well-being of Future Generations (Wales) Act 2015*.

Members: include the First Minister for Wales; various other Welsh Ministers and Cabinet Secretaries; and Welsh PCCs and chiefs – as well as representatives from the Home Office, MoJ and NHS Wales, amongst others.

### **The Senedd Cymru – the Welsh Parliament: Cross-Party Group on Policing**

The Cross-Party Group on Policing has been established with Senedd Cymru – the Welsh Parliament (the ‘Senedd’) to engage with all Members of the Senedd (MSs) on policing challenges and how they relate to the devolved work of the Senedd, which is a democratically elected body that represents the interests of Wales and its people.

The purpose of the Cross-Party Groups is to provide a forum for MSs from different parties to meet in order to consider and discuss shared interests in particular subjects. The Cross-Party Group on Policing focuses on how policing operates within the devolved and non-devolved aspects of public services in Wales, the current issues facing policing in Wales, and on how best to engage with the Senedd on policing challenges and policy.

Membership includes any MSs, Welsh PCCs and Chiefs, amongst others, while Welsh Ministers can also be invited.

### **Local Resilience Forums in Wales**

LRFs in Wales operate on the same basis as in England, as defined by the *Civil Contingencies Act 2004*. The arrangements in Wales allow LRFs to link in with the Strategic Command Groups (SCGs) and from there to the gold groups within forces and also the Welsh Government.

During the COVID-19 pandemic, PCCs and members of their senior management teams received regular briefings directly from Chief Constables or their chief officers at Gold level in order to ensure they were kept fully updated on developments. PCCs also received daily updates from the meetings which took place at the Emergency Co-ordination Centre (Wales) (ECC(W)) and they had a formal policing embed in those meetings. Any emerging issues highlighted by the LRFs to the SCGs were highlighted through that architecture. That provided an added assurance that PCCs in Wales were kept fully informed of the response to the pandemic and equally they could input to the ECCW via their policing representatives.

### **Violence Prevention Unit**

South Wales is one of 18 police force areas to receive monies (£880k pa) from the Home Office to establish a Violence Prevention Unit (VPU). Allocation was based on hospital admissions data, with Cardiff and Swansea identifying as hotspot areas. It should be noted that even before the allocation of Home Office monies, PCCs, Chief Constables and Public Health Wales had committed to establishing a VPU. Positive evidence of the

impact a VPU can have was already present in Scotland and there was this commitment to similarly embed a Wales VPU.

As such, the Wales VPU operates to a single over-arching priority – namely, to prevent violence across Wales through the implementation of a public health approach.

Whilst initial work of the unit has been prioritised around serious violence within South Wales, the prevention of all violence in Wales has therefore been within ‘scope’ from the outset.

The VPU is made up of a broad mix of 40 public-sector and third-sector organisations who work together on a full-time or part-time basis to help deliver the above mission.

### **Conclusion**

In addition, of course, PCCs have developed a wide range of bilateral relationships with partners in order to understand and influence their strategies and priorities (e.g. local government and the NHS), and work closely with partners in their commissioning role (e.g. community organisations and the third sector). There are a number of other local partnerships that PCCs may want to engage directly with or link into – for example, Local Safeguarding Boards (LSBs).

# 13 ENGAGEMENT WITH THE PUBLIC

▶ **Effective engagement with communities, partners and the public is a core part of the role of the PCC. Community engagement is about involving the community in the decisions that are made in relation to crime reduction, community safety and the police services provided for them. The intent behind the introduction of PCCs was founded on an increased focus on democratic engagement by listening to and serving the public of the PCC's area and in many areas this has translated into a legal requirement.**

## What are the main statutory duties in relation to public engagement?

The *Police Reform and Social Responsibility Act 2011*, together with other legislation places statutory duties on PCCs to:

- ▶ obtain the views of local people on policing and have regard to those views<sup>4</sup>;
- ▶ make arrangements for engaging with local people in setting police and crime objectives<sup>5</sup>;
- ▶ obtain the views of local people and council tax payers on budget and precept proposals<sup>5</sup>;
- ▶ obtain the views of victims of crime about matters concerning local policing<sup>4</sup>; and
- ▶ engage the public on their budget proposals on an annual basis<sup>4</sup>.

Generally PCCs have flexibility as to the precise method by which public views are sought, as these are not prescribed.

## How is this carried out in practice?

There are a variety of mechanisms which PCCs can use to engage their communities:

- ▶ website and social media (OPCC website, Facebook page, blogs, Twitter feed, Instagram, webinars and Zoom meetings);
- ▶ face-to-face meetings (in public, local surgeries, 'Meet your PCC' events and attendance at local events);
- ▶ newsletters and publications (weekly columns in newspapers; 'You said, we did' feedback and leaflets on Council Tax to all households)
- ▶ Community Messaging and Neighbourhood Alerts;
- ▶ interviews, 'question and answer sessions' on local radio and live streams;
- ▶ Formal publications (PCC's Annual Report, Police and Crime Plan);

- ▶ external communications (press, newsletters and partner agency websites)
- ▶ TrackMyCrime (enabling victims of crime to access updates on progress of their case);
- ▶ Independent Custody Visitor Scheme;
- ▶ resident/service user reference groups and community advocates;
- ▶ volunteering roles;
- ▶ Police Cadets and Special Constabulary;
- ▶ community engagement work in local neighbourhoods ;
- ▶ formal OPCC Scrutiny Panels;
- ▶ PCP webcasts;
- ▶ interactive surveys (such as online polls on key issues like road safety);
- ▶ co-ordinated campaigns; and
- ▶ general correspondence (letters, emails, freedom of information requests, phone calls, and complaints about the force etc.)

## What are the other things to consider?

Good public engagement aims to bring people and communities together to address issues of common importance, to solve shared problems and to bring about positive social change. When done well it gives a voice to those who may have traditionally been left out of political and policy debates.

Community engagement provides people with opportunities to have an influence in how services are provided to them. It allows individuals an opportunity to become actively involved in decision making relating to local service provision.

Engagement is very different to consultation. Engagement is seeking the views of the public to assist the PCC in their decision making, rather than a formal consultative process.

Good engagement is:

<sup>4</sup> Section 17 *Police Reform and Social Responsibility Act 2011*, *Police Act 1996*, *Policing and Crime Act 2009* and *The Police Authority (Community Engagement and Membership) Regulations 2010* – the views of people in that area about matters concerning the policing of the area, and their co-operation with the police in preventing crime [and anti-social behaviour] in that area, obtaining the views of victims of crime in that area about matters concerning the policing of the area.

<sup>5</sup> Section 14 *Police Reform and Social Responsibility Act 2011* (amending Section 96 of the *Police Act 1996*) 3 Section 1(8)e and Section 34 of the *Police Reform and Social Responsibility Act 2011* – make arrangements for obtaining views of local people before a Police and Crime Plan is issued, and the views of the victims of crime on the plan.

### **Planned and purposeful**

Generally engagement activities should be aligned to the annual planning cycle, are afforded sufficient time to be effective and inclusive and that sufficient time is allocated to collate, analyse and communicate findings as part of the strategic decision making process. It should provide the PCC with accurate and timely information on community views and expectations of policing, community safety and the criminal justice system in order to facilitate meaningful and informed debate with the Chief Constable and partners, make better informed decisions, reduce risk of failure, promote conditions for success and work towards Police and Crime Plan outcomes;

### **Representative and inclusive**

It should be fair and representative in terms of geography, demography, identity. The OPCC should be proactive in giving a louder voice to those that may be under-represented, seldom heard or disengaged including those with direct or lived experience e.g. victims of crime or those previously in the CJS. All approaches to engage and consult with communities should take into account the differing needs of diverse communities and hard-to-reach groups, demonstrating a commitment to equality and ensuring respect for diversity;

### **Collaborative and joined up**

PCCs should explore opportunities to work collaboratively with partner agencies to minimise duplication and share skills, resources and results of consultation and engagement activity across partner agencies. This will help to deliver efficiencies, identify benchmarking opportunities, share best practice and reduce consultation fatigue for example including policing questions in other local surveys. This will ensure a strengthened partnership approach at a local level and activity to better understand the needs of the public.

### **Cost effective and provides value for money**

Ensure a proportionate balance between cost, quality and benefit in discharging these functions. It should be informed by evidence of best practice and learning from what works.

### **Receptive to change**

All forms of engagement should be considered to keep pace with societal changes and embrace new technology and techniques.

### **Indicative of change**

Good engagement should be used to monitor the extent to which changes in policing services, community safety and the criminal justice system are impacting, positively or negatively, on communities and community safety concerns; It should also help to measure the appropriateness of the Police and Crime Plan and associated priorities.

# 14 THE PCC ROLE IN THE POLICE COMPLAINTS SYSTEM

▶ This section sets out the main features of the PCC role in the police complaints system, following the implementation of the relevant provisions of the *Police and Crime Act 2017* in February 2020.

## The reformed police complaints system

In passing the underlying legislation governing the reformed complaints system (through the *Policing and Crime Act 2017*), the Government set out the aims for the reforms as:

- ▶ a more customer-focused police complaints system that focuses on resolving issues to the satisfaction of the complainant in a timely fashion, rather than looking for officers to blame;
- ▶ A more transparent and independent police complaints system, that has effective local oversight to provide the public with clear information;
- ▶ a simpler complaints system that is easier to understand; and
- ▶ a system which enables the PCC and Chief Constable to identify patterns of dissatisfaction being raised and allows them to address any systemic issues

## Key elements

The main changes implemented through the legislation are as follows:

### *The Police (Conduct, Complaints and Misconduct and Appeal Tribunal) (Amendment) Regulations 2017*

Known as the 'Former Officer Regulations', this enables misconduct proceedings to be brought against former officers after they have left the force, where serious misconduct is alleged, and introduced a register of barred officers (those found to have committed serious misconduct) to prevent those officers finding future employment in other police forces.

### **Independent Office of Police Conduct**

The IOPC was established to replace the Independent Police Complaints Commission (IPCC), with the aim of improving the governance and accountability of the system, to take a more customer-focused approach and to improve the timeliness of the serious and sensitive misconduct cases that they investigate.

### **Supercomplaints**

The reforms introduced the concept of supercomplaints (which are thematic problems raised in a number of different geographical areas, common to a number of forces). These can be brought by organisations (mostly charities) approved by the Home Secretary to bring supercomplaints, while the handling of supercomplaints is overseen by HMICFRS in partnership with the CoP and the IOPC.

### **More responsive and accountable**

A more responsive and accountable system in the handling of police complaints locally, strengthening the role of PCCs (see more on this below).

### **Practice requiring improvement/reflective practice**

This is to ensure the system is less blame focussed, so that complaints which do not involve serious misconduct can be dealt with through performance management procedures (see more below).

### **PCCs role in a more responsive and accountable system**

The process for investigating serious complaints remains with forces, although the bar has been raised, so that more of these will be passed to the IOPC to investigate independently. PCCs now have a specific statutory duty to hold the Chief Constable to account for his or her handling of complaints (previously, this was an implied duty only) and to oversee the force complaints system.

In addition, PCCs are able to choose one of three initial complaints handling models to operate locally:

#### **Model one The statutory minimum**

Under this option, forces deal with the initial receipt of complaints and with continuing contact with the complainant throughout the process, but PCCs will hear reviews (appeals) by a complainant on the outcome of a complaint which has been investigated (unless the complaint has been handled by the IOPC). The review process does not apply to complaints that have been resolved informally and it requires the PCC to assess whether the outcome of the complaint is reasonable and proportionate. If the PCC decides that it is, then no further action is needed, beyond notifying the complainant. If the PCC decides it is not, then he or she can pass it back to the force with recommendations about an appropriate outcome. Where PCCs also take on models two or three below, care will be needed to avoid conflicts of interest between initial complaints handling and review handling, and PCCs will need to delegate decision making for one or the other (or perhaps both) to separate individuals within the OPCC.

#### **Model two Initial receipt of complaints**

This option involves the statutory minimum requirements above, but, in addition, the OPCC is responsible for the initial receipt of complaints. Various processes must be observed around logging the complaint, and where the complaint involves serious misconduct, it must still be passed to the force for investigation (or in some cases to the IOPC). Pilots of this process prior to the

legislation being implemented, showed that the vast majority of complaints can be resolved informally, with an apology, an explanation or other simple action. This enables less serious complaints to be resolved quickly and satisfactorily, without triggering the formal investigation process.

### **Model three Continuing contact with complainants**

This option requires the PCC to be operating model two above, but additionally gives the PCC responsibility for continuing contact with the complainant, updating them throughout the process, which involves liaison with the force's Professional Standards Department to track progress. However, if a complaint is passed to the IOPC to investigate, then they become responsible for engagement with complainants.

### **Other information**

Models two and three above require the PCC to give notice to the Chief Constable and the Chief Constable to respond to the proposal, before the arrangements can be put in place.

It is also worth noting that the legislation enables PCCs to collaborate in relation to their complaints function, so for instance, this would enable one PCC in a region to take the lead role in handling PCC responsibilities under the complaints and misconduct legislation on behalf of other PCCs.

### **Practice requiring improvement**

Where misconduct is not serious and therefore not subject to formal investigation, but falls short of required standards of behaviour or performance, individual officers will be subject to practice requiring improvement processes, which are supervised by line managers in force. These might involve additional training, additional supervision, or some other action to address poor performance or inappropriate behaviour. This has enabled simplification of the complaints system to provide better and swifter outcomes for all. Where PCCs are operating model two or three, this requires engagement with the force to ensure that practice requiring improvement is part of the informal resolution process, where appropriate.

The statutory complaints system only applies to police officers. Police staff are dealt with under different provisions, which can vary from force to force, but the overall aim is to align complaints processes better, particularly in relation to practice requiring improvement processes.

### **Complaints against Chief Constables**

PCCs are responsible for complaints against Chief Constables, but complaints above a threshold which is set out in statutory guidance, must be referred to the IOPC to investigate, who will report back to the PCC on their findings, and discuss any appropriate follow up action that may be required.

## **Other PCC responsibilities**

PCCs have some other responsibilities under the complaints system, notably in relation to the appointment of members of both Police Misconduct Panels (PMPs) and Police Appeals Tribunals (PATs).

### **Police Misconduct Panels**

PMPs are responsible for determining the outcome of a serious misconduct case after an investigation has taken place and the facts are known. In most cases the panel members are a legally qualified chair (LQC), an independent lay member and a senior force officer, but where the complaint is against a senior force officer, HMICFRS nominates the third member of the panel. PCCs are responsible for recruiting a pool of LQCs and independent members of misconduct panels and are responsible for nominating a chair and a lay member from that pool to sit on each panel. LQCs have been given greater responsibility under the *Police and Crime Act 2017* for managing the case (determining timescales, disclosure, witnesses, media attendance, and whether hearings are open or closed), which requires the early nomination of the LQC to a case.

### **Police Appeals Tribunals**

PATs hear appeals by a complainant on the outcome of a PMP hearing. They are made up of an LQC, a senior officer and an independent lay member (for an appeal by a non-senior officer); or an LQC, Her Majesty's Chief Inspector of Constabulary (HMCIC)/a Her Majesty's Inspector (HMI), and the Permanent Secretary/a Director of the Home Office (for a senior officer).

The PCC has responsibility to nominate the LQC from a list maintained by the Home Office of legally qualified professionals, and the independent lay member (where appropriate) from their local pool of lay misconduct panel members (although this cannot be a lay member previously involved in the case).

# 15 HOW PCCS HAVE MADE A DIFFERENCE

▶ This section sets out some examples of the range of innovative work that PCCs have been involved in delivering locally in recent years, which might help to inform PCC candidates about some of the factors that they might consider in planning their own campaigns and period of office.

## Role of the PCC

Watch the PCC video 'You Have A Voice' which can be viewed on the APCC website at [www.apccs.police.uk/videos/pcc-video-you-have-a-voice](http://www.apccs.police.uk/videos/pcc-video-you-have-a-voice)

It's a short animated video explaining the role of PCCs which includes:

- ▶ their responsibilities;
- ▶ what they do for local communities;
- ▶ how their role is different to that of Chief Constables;
- ▶ how they are answerable to the public;
- ▶ who elects them; and
- ▶ where to find out more information.

Have a look at the PCC infographic 'What does your Police and Crime Commissioner do for you?', which can be viewed on the APCC website at [www.apccs.police.uk/role-of-the-pcc/](http://www.apccs.police.uk/role-of-the-pcc/)

## PCCs Making a Difference: 'In Focus' reports:

The APCC has produced a number of 'In Focus' reports, under the campaign strapline 'PCCs Making a Difference', to help publicise the innovative work of PCCs across England and Wales, particularly their work with partner organisations, to support victims of crime and reduce re-offending.

Eight 'In Focus' reports have been produced to date. They are high-level digital documents which provide a snapshot of the variety of work that PCCs are involved in. They include a foreword from the appropriate APCC national lead for the subject, alongside a Ministers' foreword.

'In Focus' PDF reports can be viewed and/or downloaded from the APCC website at [www.apccs.police.uk/campaigns/pccs-making-a-difference/](http://www.apccs.police.uk/campaigns/pccs-making-a-difference/)

- ▶ *Alcohol and Drugs In Focus* demonstrates how PCCs are working with partner organisations to address underlying problems such as alcohol and drug dependency to prevent crime and to break the cycle of reoffending.
- ▶ *Prevention In Focus* shows the commitment and drive of PCCs in investing in early intervention and prevention services in their local communities to address the root causes of crime. Working with partners across not just policing but health, social care, local authorities and charities.

- ▶ *Protecting the Vulnerable During the COVID-19 Crisis In Focus* provides examples on how PCCs responded quickly to the anticipated impact of the virus, recognising the significant impact on victims who may be trapped indoors with perpetrators.
- ▶ *Putting Victims First In Focus* is a snapshot of the ground-breaking work that PCCs are engaged in with partners to bring about real change in the ways in which victims of crime are helped and supported in our communities, putting victims at the heart of the CJS.
- ▶ *Race Disparity in Focus* explains how PCCs are tackling race disparities faced by Black, Asian and Minority Ethnic (BAME) groups in their communities.
- ▶ *Serious Violence In Focus* shows the innovative work that PCCs are engaged in with partners to tackle serious violence across England and Wales. Examples include one-to-one mentoring; youth diversion schemes and projects with schools, ex-offenders and Premier League football clubs.
- ▶ *Violence Reduction Units (VRUs) In Focus* was produced in collaboration with the Home Office. It demonstrates how 18 VRUs are tackling crime and making communities safer by providing a multi-agency health approach.
- ▶ *VWAG In Focus* shows how PCCs are bringing about real change in the ways in which violence against women and girls (VWAG) is addressed in their local communities.

# 16 THE ROLE OF THE ASSOCIATION OF POLICE AND CRIME COMMISSIONERS

▶ This section explains the role of the APCC, its relationship with PCCs and the functions it performs. You can find out more about the role of the APCC and the APCC's priorities, plans and approach to delivery to 2022 in the [APCC Business Plan 2020-22](#), which is summarised in the graphic on the following page.

## The role of the APCC

The APCC provides the national voice for PCCs into government and a wide range of national bodies, including the Welsh Government, so that the expertise and role of PCCs can influence and drive national policy developments on policing, crime and criminal justice, and contribute to reducing crime, supporting victims and keeping the public safe. The APCC is largely funded through membership fees, as well as receiving some time-limited funding from government for specific pieces of work. Its role includes the following

- ▶ Supporting PCCs to play a lead role in the development of national, regional/Welsh and local policy and strategy on crime reduction.
- ▶ Enabling PCCs to play a full and active role in the national leadership and governance of policing including through the National Policing Board (NPB), and working with other key policing organisations such as the NPCC, the NCA and the CoP, as well as in the development of regional structures to tackle crime, like ROCUs.
- ▶ Working with PCCs to shape and influence national policy and strategy in key areas such as reducing crime, workforce development, digital and technology, police finances and resourcing, SOC and specialist capabilities, criminal justice improvements, support for victims, crime prevention and local partnership working.
- ▶ Championing local decision making and the role of PCCs in ensuring that police and criminal justice services address local priorities and are accountable to the communities that they serve.
- ▶ Supporting PCCs to take the lead in transforming policing through digital, technology and enabling services - including establishing and developing national ICT and commercial capabilities such as the Police ICT Company and BlueLight Commercial.
- ▶ Creating opportunities for PCCs to come together to share good practice and learning, tap into research and evidence, draw on expertise, and to develop shared positions and approaches where this can deliver improved outcomes for the communities that they serve.
- ▶ Supporting PCCs to work within and across their political groups to develop policy positions and influence government.
- ▶ Supporting PCCs to work with key national partners outside of policing – for example, the Local Government Association

(LGA), HMICFRS, Public Health England (PHE), Public Health Wales (PHW) and the Welsh Government.

- ▶ Advising PCCs on their role in law and governance – e.g., transparency, dealing with complaints and performance.
- ▶ Supporting OPCCs to engage with national policy and strategy and to share good practice and learning, working with APACE and PACCTS
- ▶ Supporting those PCCs who seek to take on responsibility for governance of FRSS.

You can find out more about the APCC's work at [www.apccs.police.uk/our-work/](http://www.apccs.police.uk/our-work/)

## How the APCC works

The APCC is led by a Chair, two Vice Chairs and four other board members who are drawn from and elected by the membership annually. PCCs take responsibility for leading thematic areas of work as 'portfolio' leads. They are supported by the APCC Secretariat, which is led by the Chief Executive and a small team of policy and communications specialists, with experience in local policing governance bodies, criminal justice, health and mental health and local government.

## Why is the national body needed?

It is by coming together that PCCs are best able to influence change. A national body enables PCCs to maximise their ability to influence at a national level and deliver on their Police and Crime Plans.

PCCs have an important contribution to make to how national policing services are governed, such as the NCA, the CoP and more widely. By sharing best practice and identifying opportunities to work together, or commissioning some services jointly, the APCC helps PCCs be more efficient and effective. If PCCs identify barriers to delivering national or local plans, the APCC takes co-ordinated action that can help remove barriers at a national level.

## Some recent examples of APCC work

Some examples of how APCC works and how delivers with and for its members can be found in our latest Impact Report and in our 'PCCs Making a Difference' briefings at [www.apccs.police.uk/campaigns/](http://www.apccs.police.uk/campaigns/).

## Who are the members of APCC?

All 40 PCCs are members of the APCC, as are the City of London Police Authority, The Mayor's Office for Policing And Crime

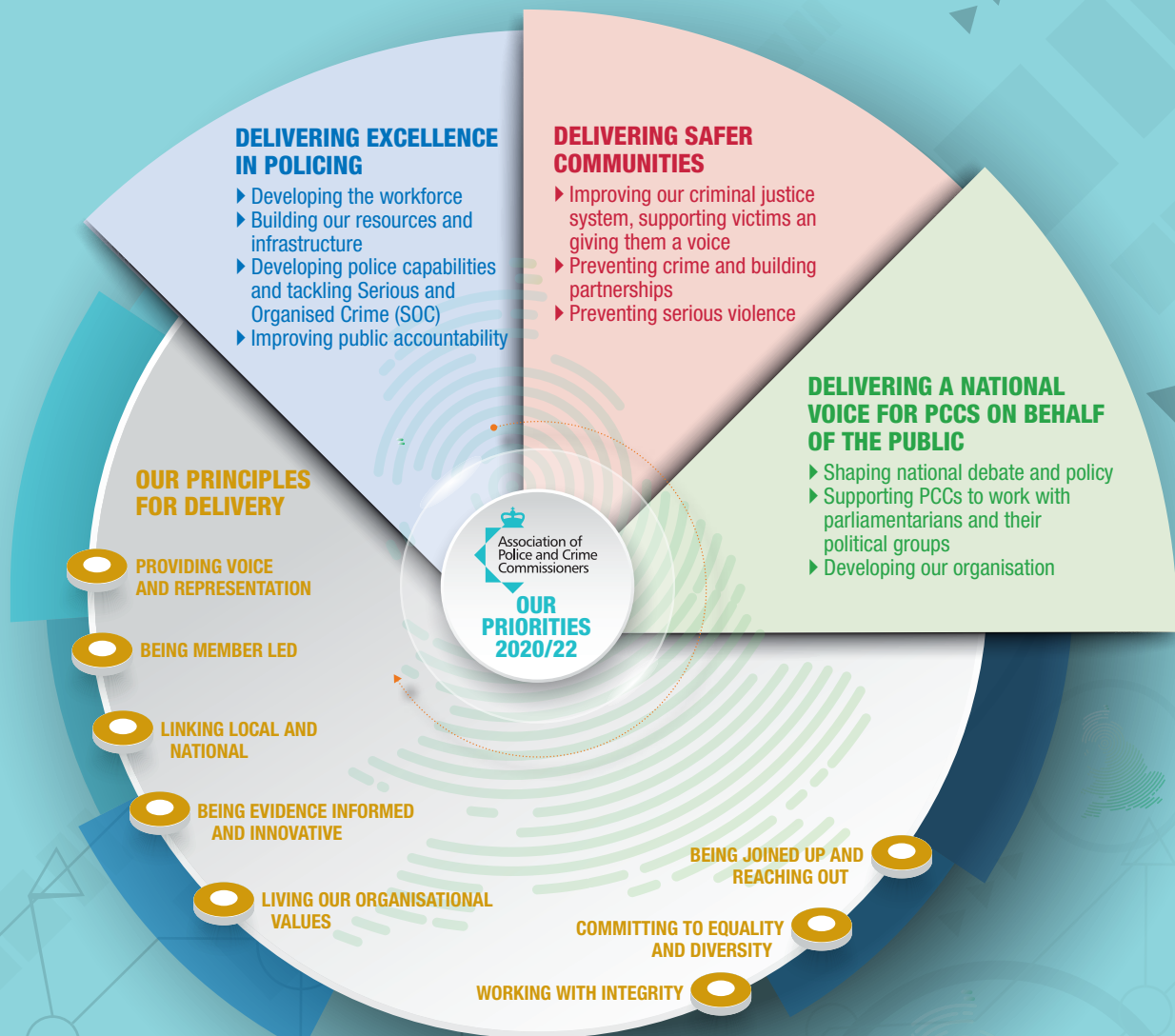


# APCC

## BUSINESS PLAN OVERVIEW: OUR PRIORITIES FOR 2020-22

### WHO ARE WE?

The APCC is the national body which supports Police and Crime Commissioners and other local policing bodies across England and Wales to provide national leadership and drive strategic change across the policing, criminal justice and wider community safety landscape, to help keep our communities safe.



(MOPAC) London, the Greater Manchester Combined Authority (GMCA) and the Jersey Police Authority (JPA). Some PCCs hold statutory responsibility for fire and rescue governance (PFCCs).

## APCC governance

The APCC is a company limited by guarantee, 'owned' by its members. It is governed by a Board of Directors, which is composed of PCCs from each political group (Conservative, Labour, Plaid Cymru and Independent) – you can find out more about our current Board members at [www.apccs.police.uk/about-the-apcc/board-members/](http://www.apccs.police.uk/about-the-apcc/board-members/). The Board meets quarterly. The APCC Chair is elected each year at the Annual General Meeting.

## How are services provided by the APCC?

The APCC is supported by a small, focused team of policy and communications professionals, led by CEO Susannah Hancock, and with a wide range of experience of policing and crime policy and communications at the national level. You can find out more about the team at [www.apccs.police.uk/about-the-apcc/secretariat/](http://www.apccs.police.uk/about-the-apcc/secretariat/). Following changes in legislation that allow PCCs to take on fire and rescue governance our approach has expanded to include support specific to PFCCs, including fire policy advice and guidance.

The Association of Police and Crime Commissioners works through portfolio groups which lead work on the key issues for PCCs. The full list of portfolio areas, leads and deputy leads is available on our website at [www.apccs.police.uk/our-work/](http://www.apccs.police.uk/our-work/). The APCC is currently reviewing its portfolio approach.

## Bringing PCCs together

In addition to the portfolio groups, the APCC organises a range of events which bring together PCCs and leaders from the wider policing and community safety sector – as well as key partners like health, local government and the voluntary and community sector – to discuss, debate and develop national policy agendas. The most frequent events are the APCC General Meetings which are held approximately four times a year. General Meetings provide a forum to discuss ongoing national policy and to update colleagues on the work being undertaken by the portfolio groups.

The APCC also runs a yearly joint national conference with the NPCC. The event, held in the autumn, provides an opportunity for PCCs and Chief Constables to come together to discuss national policy.

## More information

The APCC operates its own internal web-based system, which is used to communicate with PCCs and their staff, to organise meetings and to disperse important documents and information. Access is only granted to PCCs and the staff they nominate. In addition, the APCC maintains a public-facing website at [www.apccs.police.uk](http://www.apccs.police.uk).

# 17 WORKING WITH CHIEF CONSTABLES

▶ This section highlights the importance of the relationship between the PCC and the Chief Constable. It also provides an explanation of the processes that need to be followed when a PCC appoints a Chief Constable, and a brief description of the power that the PCC has to require their Chief Constable to resign or retire. It should very much be viewed as an outline of the processes involved and the Chief Executive of the OPCC will be able to provide a more detailed explanation of key areas as required.

## Establishing the working relationship

Establishing and maintaining a strong working relationship between the PCC and the Chief Constable is key to an area securing an efficient and effective police service. The respective roles and responsibilities of a PCC and a Chief Constable are set out in the *Police Reform and Social Responsibility Act 2011* and in the Policing Protocol (see section **5 POLICING PROTOCOL**).

The PCC has been elected by local communities and is responsible for the totality of policing in the geographic area; the Chief Constable has operational independence and provides the operational leadership for policing in that area.

Given the importance of the relationship it is worth devoting time on appointment to considering how that relationship will work and how it might flourish.

There are many examples of good working relationships between PCCs and chief constables. Those good relationships provide good practice that can be learnt from on election, or appointment. Your Chief Executive will be your main source of advice and information for establishing a good relationship. The APCC can also provide advice.

A shared understanding of the Policing Protocol is the starting point for PCCs and Chief Constables in understanding how their roles intersect. Although not without ambiguity, the Policing Protocol does provide some clarity on how the functions of the two roles should be exercised in relation to each other. Indeed, the Policing Protocol says it should 'be considered an enabling tool to foster an effective and constructive working relationship within the governance of the policing service'.

Many PCCs have found a joint consideration of the Policing Protocol with their Chief Constable helpful. Some PCCs and Chief Constables have gone on from this to enshrine the central principles that will govern their working relationship in a local protocol or elsewhere, for instance in a Joint Corporate Governance Framework. Examples of these can be found in Durham, North Yorkshire, South Wales and Surrey.

Further advice and examples of good practice can be found in the APCC/Chief Police Officers Staff Association (CPOSA)/NPCC/CoP document *Accountability Guidance*.

Given the challenges that your working relationship with your Chief Constable will face, there may well be pressure points along the way. However, time invested in a shared understanding of the Policing Protocol and the basis of the working relationship

should assist you through those times. If problems endure, then assistance can be sought. As always, the PCC's chief executive will support along with the APCC. Similarly, the Chief Constable may receive support from CPOSA.

## Who can apply to become a Chief Constable?

The *Police Reform and Social Responsibility Act 2011* gives PCCs the responsibility 'to appoint the chief constable of the police force for that area'. The appointment of the Chief Constable is one of the most important responsibilities of the PCC.

Applicants must have served at the rank of a Constable in a UK police force and must have held the rank of Assistant Chief Constable, Commander, or a more senior rank in a UK police force.

PCCs are advised to consider that potential candidates for Chief Constable have an appropriate conduct record. It is the responsibility of the PCC to decide whether to appoint a candidate with evidence of a disciplinary record that is live or concluded and in circumstances where an individual is subject to ongoing investigation.

## What is the process for assessing Chief Constable applicants?

Although it is for the PCC to decide on the process when they are appointing a Chief Constable there are a number of requirements of that process:

- ▶ Ensure the appointment process is based on the principles of merit, fairness and openness (public sector equality duty).
- ▶ Convene an appointments panel including at least one independent panel member (Home Office Circular 013/2018).
- ▶ Ensure the vacancy is advertised for no less than three weeks.
- ▶ Review recommendations by the PCP (*Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012*).
- ▶ Confirm the appointment (*Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012*).
- ▶ Ensure the appointment process is undertaken in accordance with relevant legislation.
- ▶ Ensure the appointment process adheres to the *Equality Act 2010* and the *Data Protection Act 1998*.

In addition to this, CoP provides guidance on a number of principles which underpin designing and delivering fair

and effective appointment processes which are robust and transparent in response to scrutiny.

PCCs will need to have in mind the key focus being sought in a new Chief Constable – for instance, is a transformational leader required, or something different? One size will not fit all and the whole process should be geared to finding the right fit. The Chief Executive of the OPCC will support the PCC in undertaking their responsibilities in this area. In supporting the PCC in the appointments process, the Chief Executive should:

- ▶ ensure the principles of merit, fairness and openness are adhered to throughout the design and delivery of the appointment process;
- ▶ advise and assist the PCC throughout the appointment process;
- ▶ ensure that the appointment process is properly conducted and in line with responsibilities and requirements outlined in legislation; and
- ▶ ensure appropriate monitoring of the appointment process.

### What is the role of the PCP in appointing a Chief Constable?

The PCP's role is to review the information and decision submitted by the PCC as to the preferred candidate. The PCP is required to adhere to the guidelines set out in the *Police Reform and Social Responsibility Act 2011* ('the Act'). In line with this responsibility, it has specific responsibilities within the appointment process as set out in Schedule 8 of the Act. These responsibilities state that the PCP is required to consider recommendations made by the PCC in terms of the appointment. The PCP should satisfy itself that the process was properly conducted and adhered to the principles of merit, fairness and openness and that the preferred candidate meets the requirements of the role by:

- ▶ considering the report submitted by the independent member;
- ▶ reviewing the PCC's proposed appointment;
- ▶ holding a public confirmation meeting; and
- ▶ making a report to the PCC on the proposed appointment, including a recommendation as to whether or not the candidate should be appointed. The PCP must produce its report within three weeks of being notified by the PCC of the proposed appointment, and must ensure that the report is made available to the public.

### Does the PCP have to accept the preferred candidate of the PCC?

A PCP may veto the preferred candidate of the PCC but there is no statutory list of reasons why the PCP may veto the appointment of a Chief Constable. However, the requirements and

process that must be followed are set out in the *Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012*, Part 3 Regulations 9 and 10.

Vetoing the appointment of a Chief Constable can only occur when the following two criteria apply:

- ▶ at least two-thirds of the PCP at the time the decision is made must vote to veto the appointment; and
- ▶ the power of veto only applies during the period of three weeks, beginning with the day on which the PCP receives notification from the PCC of the proposed appointment.

### Dismissal

Section 38 of the *Police Reform and Social Responsibility Act 2011* ('the Act') allows a PCC to require the Chief Constable to resign or retire. This is clearly a hugely resonant act for a PCC – and potentially career-ending for a Chief Constable – and should not be considered other than in extremis and after taking professional advice. The APCC/CPOSA/NPCC/CoP document *Accountability Guidance* provides good practice for the relationship between the PCC and Chief Constable, part of which considers the steps that can be taken to avoid requiring a chief constable to resign or retire.

Should the PCC wish to pursue the resignation or retirement of the chief constable they must follow the statutory procedure set out at Schedule 8 of the Act, and summarised here:

The process commences when the PCC makes a proposal to call for the retirement or resignation of the Chief Constable. The PCC may not take a decision on the proposal until the steps set out below have been taken.

The PCC must submit his or her proposal to the Chief Inspector of Constabulary ('the Chief Inspector') and seek his or her views on the proposal. The Chief Inspector provides his or her views in writing and the PCC must take those views into account.

The PCC then provides the Chief Constable with:

- ▶ a written explanation of his reasons for proposing to call for the Chief Constable's retirement or resignation; and
- ▶ a copy of the views provided by the Chief Inspector.

The Chief Constable then has the opportunity to respond in writing.

The PCC must then decide, taking into account the written representations made by the Chief Constable, whether or not to pursue the proposal to call for the retirement or resignation of the Chief Constable.

If the PCC decides to continue, he or she must then notify the PCP of his intention, and ask the PCP for its recommendation on the proposal.

The PCP is provided with:

- ▶ the PCC's written reasons for his or her proposal;
- ▶ the written representations made by the Chief Constable; and
- ▶ the written views provided by the Chief Inspector.

The PCP may consult the Chief Inspector. The PCP must hold a scrutiny meeting. This is a private meeting which both the PCC and the Chief Constable are entitled to attend.

After the scrutiny meeting the PCP informs the PCC of its recommendation, and publishes that recommendation.

The PCC must consider the PCP's recommendation, and he or she must notify the PCP whether or not he or she accepts its recommendation.

The PCC then takes the decision whether to call for the retirement or resignation of the Chief Constable. If the PCC does call for the retirement or resignation, the Chief Constable must act in accordance with the PCC's decision.

# 18 POLICE (FIRE) AND CRIME PANELS: COMPOSITION, ROLE AND FUNCTIONS

▶ This section explains how PCPs are composed and sets out their role and functions. It sets out the current position, but it is worth noting that, as part of the PCC Review, the Government may decide to review the powers and/or composition of PCPs (see section 18 **POLICE (FIRE) AND CRIME PANELS: COMPOSITION, ROLE AND FUNCTIONS**). It is important to note that, where the PCC has taken the functions of a fire authority, the PCP has a role to scrutinise and support the PCC in this capacity too. Where this is the case, they are referred to as Police, Fire and Crime Panels, and the generic term PCP includes fire functions where relevant.

## How are Police (Fire) and Crime Panels composed?

This depends on the number of local authorities in your force area. The *Police Reform and Social Responsibility Act 2011* ('the Act') sets out the rules around composition. In summary, these are:

- ▶ force area of 10 or fewer local authorities: 10 members (i.e. councillors) plus as least two independent co-opted members; or
- ▶ force area of more than 10 local authorities: the number of members (i.e. councillors) will correspond with the number of local authorities in your force area plus as least two independent co-opted members.

PCPs may co-opt additional members as long as the total number does not exceed 20 and the Secretary of State approves the co-options.

The composition of the PCP members must reflect the political make-up of the area i.e. the political make-up of the councils or combination of councils that nominate members to the PCP.

### Exceptions

In Wales, the Home Secretary appoints members of the PCP under similar parameters as described above, although local authorities may 'suggest' nominations to the Home Secretary.

In London, the London Assembly appoints people to undertake the 'functions of the Panel' (the London Assembly Police and Crime Committee 'London Assembly Panel'). The wider London Assembly determines the numbers on the London Assembly Panel and may co-opt additional members, who themselves do not need to be on the London Assembly.

## What are the role and powers of the Police (Fire) and Crime Panel?

Section 28 of the Act sets out the main functions of the PCP (which are described in more detail below) but can be summarised as follows:

- ▶ supporting and scrutinising the PCC in the exercise of his/her functions (but note that this does not include the power to hold either the PCC or the Chief Constable to account);
- ▶ a power of veto of the PCC's proposed precept and over the appointment of the Chief Constable;

- ▶ power to require the PCC's attendance at meetings (but not the Chief Constable's);
- ▶ power to suspend the PCC in limited circumstances and appoint an Acting PCC; and
- ▶ duty to deal with PCC complaints (although serious complaints must be passed to IOPC).

This is echoed in the Policing Protocol (a statutory document which sets out the balance of powers between the PCC, the Chief Constable and the PCP) which summarises the PCP's role as follows:

'The Panel provides checks and balances in relation to the performance of the PCC. The Panel does not scrutinise the Chief Constable – it scrutinises the PCC's exercise of their statutory functions. While the Panel is there to challenge the PCC, it must also exercise its functions with a view to supporting the effective exercise of the PCC's functions.'

## What are the functions of the Police (Fire) and Crime Panel?

The main statutory functions of the PCP are listed below:

- ▶ Police and Crime Plan: review the draft plan and make a report or recommendations to the PCC.
- ▶ Annual Report: arrange a public meeting to review the Annual Report, ask the PCC questions and make recommendations to him or her.
- ▶ Chief Constable appointments: the power of veto in relation to Chief Constable appointments (excluding London) on a two-thirds majority vote.
- ▶ Confirmation hearings: in addition to the PCP's role in Chief Constable appointments, it is also empowered to hold confirmation hearings in relation to the appointment of the PCCs most senior staff, i.e.:
  - ▶ the Chief Executive;
  - ▶ the CFO; and
  - ▶ the Deputy PCC (but note that, in this case, because the Deputy PCC is a political appointment and not made on merit, there is less room for the PCP to test the process by which the appointment was made.

- ▶ Setting of precepts: the power of veto in relation to setting the precepts (excluding London) on a two-thirds majority vote.
- ▶ Reports and recommendations: publish any report or recommendations to the PCC.
- ▶ Attendance and information: require the PCC to attend a PCP to answer questions, and require the PCC to supply relevant information to enable the PCP to carry out its functions (though there are some restrictions on the information which can be provided).
- ▶ Complaints against the PCC: to deal with and, where appropriate, resolve complaints against PCCs, or ensure that serious complaints are referred to the IPCC.
- ▶ PCC suspension: to suspend the PCC if he or she is charged with an offence which carries a maximum term of imprisonment exceeding two years.
- ▶ HMIC: to ask HMIC for a professional view when the PCC intends to dismiss a Chief Constable.
- ▶ Acting PCC: to appoint an Acting PCC where the incumbent PCC is incapacitated, resigns or is disqualified (excluding London).
- ▶ In relation to the Mayor/Deputy Mayor for Policing and Crime (where they are members of the Greater London Authority (GLA)), complaints and conduct matters are dealt with by the GLA in accordance with its existing standards regime. Where the Deputy Mayor for Policing and Crime is not a member of the GLA, then the London Assembly Panel oversees complaints in the same way as other Panels.

### More information

- ▶ *Policing Protocol Order 2011* – paragraphs 24, 25 and 26 refer to the role of the PCP.
- ▶ *Police Reform Social Responsibility Act 2011* – chapter 4 broadly covers the role and functions of PCPs.
- ▶ *Policing and fire governance: Guidance for police and crime panels* (2019) – prepared by the Centre for Public Scrutiny and published by LGA.

Where the PCC has taken on fire functions, the PCP has the same powers in relation to the fire authority functions of the PCC as it does in relation to the policing and crime functions of the PCC. In particular, the PCP is responsible for:

- ▶ Fire and Rescue Plan – the same powers as in relation to the Police and Crime Plan;
- ▶ Fire and Rescue Statement (the same powers as in relation to the PCC's Annual Report);
- ▶ Appointment of the Chief Fire Finance Officer (the same powers as for the appointment of the PCC's CFO); and
- ▶ Fire precept (the same powers as in relation to the Policing Precept).

### London exceptions

There are a number of exceptions to the above which apply to London only:

- ▶ The London Assembly has the power to amend the Mayor's proposed budget for MOPAC.
- ▶ The London Assembly Panel has no formal role in the appointment or dismissal of the Commissioner of Police of the Metropolis or other senior police officers.
- ▶ The London Assembly Panel has the power to veto the appointment of a Deputy Mayor for Policing and Crime if the individual is not an Assembly Member.

# 19 THE ROLE OF INSPECTORATES

► This section provides an outline of the role of the inspectorates within the CJS that are likely to have a relationship with PCCs or comment on areas where PCCs have some responsibilities. Inspections are a good tool for helping to hold forces to account and for informing PCCs about any key issues in relation to their force. PCCs have statutory responsibilities to respond to HMICFRS and the Home Office about inspections of their force, setting out what they will do about any key recommendations or issues raised, and more information on this follows below. Each inspectorate within the CJS produces its own annual inspection plan and, in addition, a Joint Inspection Plan is published annually, covering joint inspections conducted by two or more of the CJS inspectorates.

## Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services

HMICFRS has the key responsibility for inspecting police forces and more recently, the 45 FRs in England. They cannot directly inspect PCCs in relation to policing, but they have long maintained their ability to comment on PCCs if other inspection activity has shown there to be problematic issues, to assist local communities in holding their PCC to account.

In addition, HMICFRS has recently been given a responsibility through the *Policing and Crime Act 2017* to inspect force responsibilities where these are carried out by other agencies. This could include inspecting the OPCC if in future the PCC has taken on enhanced responsibilities under the reformed complaints system (see section **14 THE PCC ROLE IN THE POLICE COMPLAINTS SYSTEM**), if these are deemed to be force functions.

In relation to fire inspections, HMICFRS are responsible for assessing and reporting on the efficiency, effectiveness and people of the 45 FRs in England. There are ongoing discussions between PCCs and HMICFRS about whether inspection of governance should form part of the inspection process, only triggered when there are clear links between concerns for service delivery and governance. The APCC is represented on HMICFRS External Reference Group for Fire, providing PCCs with valuable insight into the organisation and conducted of these inspections.

In relation to forces, HMICFRS broadly conducts two types of inspection: a standard inspection of key functions of police force effectiveness, efficiency and legitimacy, known as a 'PEEL Inspection'; and thematic inspections, which take a detailed look at particular topics – these can be inspections of all forces or a representative range of forces.

HMICFRS also has the lead responsibility for supercomplaints, which are complaints about systemic issues, described in more detail in section **14 THE PCC ROLE IN THE POLICE COMPLAINTS SYSTEM**.

## Her Majesty's Inspectorate of Prisons

The main interest for PCCs in this area relates to the ongoing joint inspections of custody between HMICFRS and Her Majesty's

Inspectorate of Prisons (HMIP), which include inspections of police cells.

## Crown Prosecution Service Inspectorate

The main interest for PCCs here is in inspections of how witnesses and victims are handled within the CJS, and inspections of the interface between the police and the Crown Prosecution Service (CPS) – for instance, in relation to management of case files and data quality.

## Inspectorate of Probation

This will be an area of increasing PCC focus as the new regime in relation to offender management is put in place, giving PCCs greater responsibility for offender management/probation in future. This will help to inform PCCs about what is working well, or where improvements are needed in the service.

## Other inspectorates

Occasionally HMICFRS also conducts joint inspections with non-CJS Inspectorates, such as Ofsted, Care Quality Commission (CQC) (or Care Inspectorate Wales (CIW) in Wales). This is generally in relation to issues related to the treatment of vulnerable people and children that come into contact with the CJS.

## PCC responsibilities to respond to HMICFRS Inspections

The existing provisions of the *Police Act 1996*, setting out PCC responsibilities to respond to HMICFRS Inspection Reports, were amended through the *Policing and Crime Act 2017* to be more precise about time limits. The obligations under that Act are:

- The comments of the local policing body (i.e. the PCC or equivalent), together with any comments submitted by the chief officer of police and any response to those comments by the local policing body, must be published before the end of the period of 56 days beginning with the day on which the report is published.
- If the published report includes a recommendation, the comments of the local policing body must include an explanation of:



- ▶ the action the local policing body has taken or proposes to take in response to the recommendation; or
- ▶ why the local policing body has not taken, or does not propose to take, any action in response.

To streamline this process, HMICFRS has rolled out an online recommendations register, enabling PCCs to input their response direct to the database rather than submitting it as a written document. The database will also be accessible to the Home Office, thus satisfying the requirement to respond to the Home Secretary as well as HMICFRS.

# 20 KEY NATIONAL PARTNER ORGANISATIONS

▶ This section sets out some brief information about the role and functions of the key national partner organisations of PCCs and the APCC to help provide background about the national framework within which PCCs operate.

## Key partners

These are in alphabetical order and focus on our most important national partners. It is not an exhaustive list and does not represent every national organisation we work with – just the key ones.

### Association of Police and Crime Commissioners Chief Executives and Police and Crime Commissioners Treasurers Society

These are the organisations for PCC's Chief Executives and CFOs respectively. They play a role in helping to develop and support national policy and work closely with the APCC in doing so. For instance, PACCTS has recently played a vital role in gathering information for the submission to Treasury for the spending review and APACE has worked on a standard form of national collaboration agreement, improving consistency between these agreements and helping to save money in lawyers' fees every time a new agreement is needed.

### Audit Wales

Audit Wales supports the Auditor General as the public sector watchdog for Wales. It ensures public money is being managed wisely and that public bodies in Wales understand how to improve outcomes.

To enable this, it audits the financial accounts of public bodies, reports on how services are being delivered, assesses whether value for money is being achieved and checks how organisations are planning and delivering improvements.

### BlueLight Commercial

BlueLight Commercial is a company limited by guarantee, owned by its members (currently all PCCs) and funded currently through Home Office reallocation of police funding. It was established to act on behalf of policing and ensure effective management of critical supply chains and the delivery of improved value for money.

Under a national model, BlueLight Commercial aims to ensure: continuity of supply, minimum quality requirements of products purchased, and the appropriate consideration of social value, modern slavery and sustainability impacts when engaging and contracting with the market, including the developing UK manufacturing capability.

### City of London Police

The City of London Police has an agreement with the Home Office to act as the National Lead Force (NLF) for fraud. The aim of the agreement is to protect the public by preventing and disrupting

fraud through capable, coordinated, and effective policing. Under this agreement, the City of London Police is responsible for:

- ▶ setting the national fraud policing strategy and leading and coordinating the police response to fraud
- ▶ co-ordinating national fraud reporting, including through Action Fraud; and
- ▶ national triaging and allocation of fraud cases and intelligence.

The City of London Police provides quarterly reports on its performance, as the NLF, to the Fraud and Cyber Crime (National Systems) Board.

### College of Policing

The College of Policing has a mandate to set standards in professional development, including codes of practice and regulations, to ensure consistency across the 43 forces in England and Wales. This includes a remit to set standards for the police service on training, development, skills and qualifications.

The College also hosts the What Works Centre for Crime Reduction, which involves collaboration with academics and a university consortium. This includes a coordinating role across the country, commissioning research and enabling work between academia and policing to develop an evidence-based approach to policing.

### Crown Prosecution Service

The CPS prosecutes criminal cases that have been investigated by the police and other investigative organisations in England and Wales. The CPS is independent and makes its decisions independently of the police and government.

Its duty is to make sure that the right person is prosecuted for the right offence, and to bring offenders to justice wherever possible. The CPS works closely with the police, courts, the judiciary and other partners to deliver justice.

### Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services

HMICFRS inspects, monitors and reports on the efficiency and effectiveness of the police and FRSs with the aim of encouraging improvement.

By providing accessible information on the performance of forces and FRSs, HMICFRS allows its public, and peers, to see how it is doing. It believes this places pressure on those forces and FRSs requiring improvement in aspects of policing and fire and rescue to raise their game.

## Home Office

The Home Office is the lead government department for immigration and passports, drugs policy, crime, fire, counter terrorism and police. Amongst its responsibilities are:

- ▶ working on the problems caused by illegal drug use;
- ▶ shaping the alcohol strategy;
- ▶ keeping the United Kingdom safe from the threat of terrorism;
- ▶ reducing and preventing crime, and ensuring people feel safe in their homes and communities;
- ▶ supporting visible, responsible and accountable policing by empowering the public and freeing up the police to fight crime; and
- ▶ fire prevention and rescue.

## Independent Office of Police Conduct

IOPC has general oversight of the effective functioning of the police complaints system and has the power to make regulations to support this role. It also investigates the most serious and sensitive incidents, complaints and allegations involving the police.

IOPC also compiles research from its investigations and other activity to support its 'Learning the Lessons' publications, aimed at improving how the police deal with complaints and other serious incidents.

## Local Government Association

The LGA is a membership organisation, comprising most English councils, Welsh councils via the Welsh LGA, fire authorities and national parks, as well as a small number of parish/town councils, and some PCCs with fire responsibilities (PFCCs).

The LGA is a politically-led, cross-party organisation that works on behalf of councils to ensure local government has a strong, credible voice with national government.

## Ministry of Justice

The MoJ is a major government department at the heart of the justice system. It works to protect and advance the principles of justice, and to deliver a world-class justice system that works for everyone in society.

The MoJ is responsible for courts, prisons, probation services and attendance centres.

## National Crime Agency

The key focus of the NCA is on cutting serious and organised crime. NCA officers work at the forefront of law enforcement to build the best possible intelligence picture of serious and organised crime threats, pursue the most serious and dangerous

offenders and develop specialist capabilities on behalf of law enforcement and other partners.

Its main areas of responsibility include:

- ▶ cybercrime;
- ▶ illegal firearms;
- ▶ modern slavery and human trafficking;
- ▶ child sexual abuse (CSA) and child sexual exploitation (CSE);
- ▶ fraud and money laundering;
- ▶ drug trafficking;
- ▶ organised immigration crime and border vulnerabilities;
- ▶ kidnap and extortion; and
- ▶ bribery and corruption.

## National Institute for Health Protection

This new organisation has already brought together the leadership of PHE and NHS Test and Trace, as well as the analytical capability of the Joint Biosecurity Centre (JBC), which will be formally merged into a single body from spring 2021. The National Institute for Health Protection (NIHP) will support local directors of public health and the primary focus of the new organisation is to ensure the best capability to control infectious disease and deal with pandemics or health protection crises.

## National Police Chiefs Council

The NPCC brings police forces in the UK together to help policing co-ordinate operations, reform, improve and provide value for money.

The main functions of NPCC include:

- ▶ the co-ordination of national operations including in relation to the SPR, and working with the NCA where appropriate;
- ▶ the command of counter terrorism operations and delivery of counter terrorist policing through the national network as set out in [\*A Collaboration Agreement – National Counter Terrorism Police Services Version 2019 v.1\*](#);
- ▶ the co-ordination of the national police response to national emergencies and the co-ordination of the mobilisation of resources across force borders and internationally; and
- ▶ the national operational implementation of standards and policy as set by the CoP and the Government.

## National Audit Office

The National Audit Office (NAO) scrutinises public spending for Parliament to help the Government in its drive to improve public services, nationally and locally.

It achieves this by auditing the financial statements of all central government departments, agencies and other public bodies, and report the results to Parliament. Its other work comprises:

- ▶ value for money studies;
- ▶ local audit; investigations;
- ▶ support to Parliament; and
- ▶ international activities.

### **Police ICT Company**

The Police ICT Company is a company limited by guarantee, owned by its members, most of whom are PCCs, and funded by policing. The company supports policing to get more from technology investments and make better use of public money.

It provides technical insight, negotiates and manages contracts to achieve efficiencies and value for money and provides support for major policing technology programmes. Its services include:

- ▶ technology horizon scanning;
- ▶ advising funding bodies;
- ▶ identifying and prioritising innovative technologies;
- ▶ procurement advice; and
- ▶ service management of national programmes for customers.

### **Welsh Government**

Wales has its own government, making policies and laws for the country in relation to:

- ▶ education;
- ▶ health;
- ▶ local government;
- ▶ transport;
- ▶ planning;
- ▶ economic development;
- ▶ social services;
- ▶ culture;
- ▶ Welsh language;
- ▶ environment; and
- ▶ agriculture and rural affairs.

The Welsh Government makes decisions on matters regarding these areas, for Wales as a whole, develops policies and implements them, and proposes Welsh laws (Senedd Cymru – the Welsh Parliament Bills) For details about how policing in Wales engages with the Welsh Government and Senedd Cymru – the Welsh Parliament, see section [24 PCCS IN WALES](#).

### **Welsh Local Government Association**

The Welsh Local Government Association (WLGA) is a politically-led cross-party organisation that seeks to give local government a strong voice at a national level. The WLGA is a membership organisation that represents all 22 local authorities in Wales; the three fire and rescue authorities and the three national park authorities are associate members.

### **Workforce organisations**

The main workforce organisations are:

- ▶ the Police Federation – representing ranks up to and including Chief Inspector;
- ▶ the Police Superintendents' Association – representing Superintendents and Chief Superintendents;
- ▶ CPOSA – representing ranks above Assistant Chief Constable and equivalents; and
- ▶ Unison – representing most, but not all police staff (different arrangements apply in a few forces).

# 21 THE NATIONAL GOVERNANCE LANDSCAPE

▶ This document sets out background information about the national governance landscape established from autumn 2019 but which continues to evolve.

## National Policing Board

In summer 2019, the Home Office set up the NPB to draw key stakeholders together to discuss significant national policing issues. Initially this was largely prompted by the significant investment that the government made in policing through the Police Uplift Programme – i.e., the commitment to deliver 20,000 additional police officers by 2023 – and the need to bring the key players together to ensure this was rolled out quickly. However, the Government also wanted to understand what difference their investment was making in terms of tackling crime, force capabilities, etc and how they could ‘lean in’ on the sector to achieve key government priorities.

The NPB, chaired by the Home Secretary, meets quarterly and the APCC Chair attends on behalf of PCCs along with, on occasion, the PCC that might lead on a key item being discussed. Each meeting is usually framed around a key theme – this has included the uplift programme, serious violence, vulnerable victims/hidden crimes etc. The NPB in November 2020 had as its focus the SPR and the PCC Review.

The NPB reports up to the Crime and Justice Taskforce which is chaired by the PM and has had a particular focus on tackling serious violence, including county lines, murder, and acquisitive crime.

## Outcomes Framework

In late 2019, the Home Office issued a draft Outcomes Framework for consultation with the sector. This aimed to crystallise the concept of understanding the difference their investment was making on key crime outcomes which the Crime and Justice Taskforce sees as priorities for the sector.

There has been significant discussion about this framework – that it did not really focus on a few key outcomes, but rather was based around a number of outputs.

The framework remains to be finalised as it has been delayed by the COVID-19 pandemic, but the APCC has made strong representations to the Home Office to try to ensure it is more outcomes based.

## Sub-boards

The Home Office has also set up two key sub-boards which sit under the NPB and can escalate issues to it when required which in turn are in the process of setting up sub-sub boards. This remains a fluid and developing landscape, but a diagram summarising the current arrangements can be found at the end of this section.

## Crime Policing and Performance Board

The Crime Policing and Performance Board (CPPB) sub-board has been created to provide a forum for detailed scrutiny of the performance of the sector against the new national crime and policing outcomes (still to be finalised). It brings together representatives from across the policing sector to scrutinise and analyse key performance outcomes and discuss what measures can be taken to put or keep crime on a downward trajectory nationally.

It met for the first time on 30 June 2020, where the main agenda item was a discussion on homicide. The meeting on 13 October 2020 considered sector performance on neighbourhood (acquisitive) crime, what measures the police are taking to tackle acquisitive crime and prevent it, and some of the measures the sector is taking to help reduce crime, such as the Safer Streets Fund (a £25 million scheme that is supporting 35 PCCs to tackle burglary and theft in crime hotspots), electronic monitoring and other initiatives. The PCCs who lead on the Performance Portfolio attend these meetings on behalf of all PCCs. The Board meets quarterly.

## Strategic Change and Investment Board

The Strategic Change and Investment Board (SCIB) sub-board has been created to identify policing priorities that require future investment and to review the progress of national programmes funded through reallocations and services recharged back to policing to provide transparency, oversight and clarity on the benefits to wider law enforcement and the public. It met for the first time on 30 June 2020 and, like the CPPB, focused on homicide while identifying future priorities. The second meeting on 15 October 2020 focused on forensics and some major digital law enforcement programmes delivered by the Home Office. The PCCs who lead on Reform, Finance and Digital and Technology all attend. The Board meets quarterly.

## Serious and Organised Crime Board

Discussions are ongoing at present about whether to develop a further board below the NPB to look at SOC.

## Police Uplift Programme Board

In addition, a Police Uplift Programme Board sits under and reports into the NPB.

## Sub-boards below the CPPB and SCIB

It has become clear that the SCIB will not have the capacity to take on the more detailed governance required in some areas. Consequently, consideration is also currently being given to

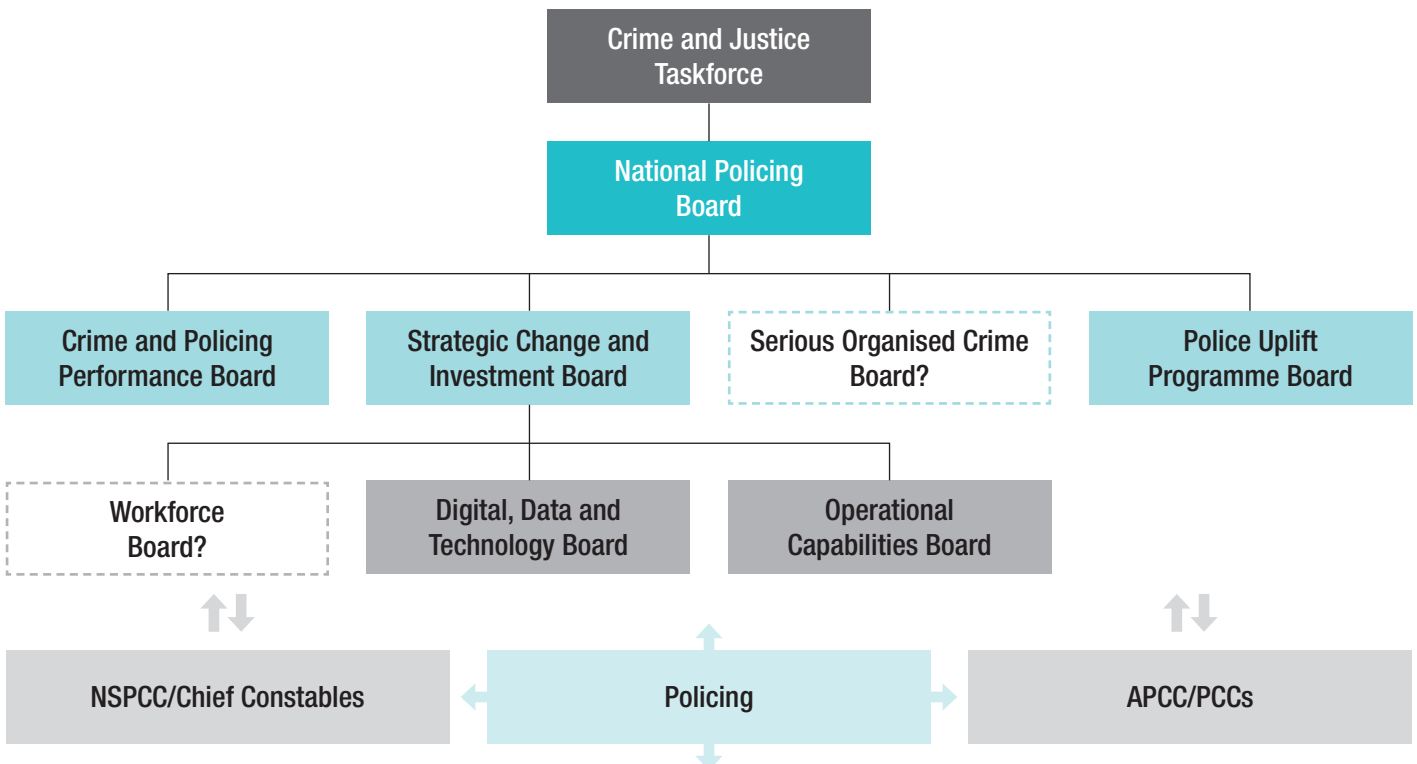
creating two SCIB sub-boards: a Digital, Data and Technology Board and an Operational Capabilities Board.

In addition, various working groups in relation to priority crime types, such as homicide, have been established to drive forward progress in areas linked to the CPPB.

### Other developments

There are a number of other developments that are significant for the national police governance landscape – e.g. Serious and Organised Crime Review and the review of the SPR, which was launched in October with the intention that it is completed by January 2021. The SPR identifies areas where the Government has a responsibility to ensure that sufficient capabilities are in place to respond to serious and cross boundary threats nationally (see section [8 POLICE \(FIRE\) AND CRIME PLANS](#)).

### National policing governance



# 22 WHAT NEXT FOR THE PCC ROLE?

▶ **The PCC role continues to evolve, with a commitment in the Conservative Manifesto to ‘strengthen the accountability of elected PCCs and expand their role’. This section highlights three areas of national policy development that may change and transform it.**

## PCC Review

The Government set out its plans for a two-part review of the PCC role in July 2020.

The terms of reference for part one of the review explain that the ‘totality of the review will consider how the PCC role has developed over the past eight years and provide recommendations as to how the existing model may be improved through a future reform programme, which also ensures consistency with the Government’s mayoral devolution agenda’.

### Part one

#### Background

Part one of the review was conducted in summer 2020 to inform government priorities for the pre-May 2021 PCC model reform, with the Home Secretary updating the NPB on 4 November.

Its focus was on the following questions:

- ▶ How to reinforce and sharpen the accountability of PCCs to the communities they serve, including how to raise the profile of the PCC model and improve the ease with which the public can access information about their PCC?
- ▶ How to ensure that PCCs have sufficient resilience, including considering arrangements for appointing Deputy PCCs?
- ▶ How to improve the current scrutiny model for PCCs?
- ▶ How to share and embed best practice among PCCs?
- ▶ The effectiveness of the current PCC and Chief Constable oversight dynamic, including S38 and the Policing Protocol?
- ▶ Whether any steps are needed to strengthen accountability or clarity of roles within the Mayoral PCC model reflecting the direction of travel for mayoral devolution?
- ▶ How the Government sets out its long-term ambition on fire governance reform ahead of the May 2021 PCC elections?

#### Conclusions and recommendations

At the present time, we are awaiting an announcement of the outcomes of part one of the review.

### Part two

This will begin after the May 2021 elections and consider the case for long-term reforms that require legislative changes. It is anticipated that this will include a review of the PCC role in the CJS and in mayoral devolution (see below for more information on both).

## Criminal justice reform

The Government set out plans for a Royal Commission to ‘improve the efficiency and effectiveness of the criminal justice process’ in the Queen’s Speech in December 2019, and announced a £3 million budget for the Commission in March 2020, just as the COVID-19 pandemic escalated. Subsequently, it initiated a recruitment for a senior official to develop the commission’s work, and a lead official is now in post, although we are still awaiting further details (e.g. membership and terms of reference).

The COVID-19 pandemic has highlighted the need for reform of criminal justice process (in particular, court backlogs from before the COVID-19 pandemic have grown alarmingly) – and the potential role of PCCs in improving the effectiveness and efficiency of the CJS (for example, bringing local partners together to develop innovative local approaches to tackle court backlogs through LCJBs). It has also shown that current legislation and policy can be a barrier to developing flexible local responses.

At the time of writing, plans for a Royal Commission have not been progressed. Instead, the work to reform the CJS is being developed at pace as part of national CJS recovery planning for the COVID-19 pandemic, as part of a major programme of work co-ordinated by the MoJ and involving national CJS partners – including APCC, as well as NPCC, prisons, probation, CPS and Her Majesty’s Courts and Tribunal Service (HMCTS). This is being developed through the National Criminal Justice Board, which is chaired by the Home Secretary.

It is also anticipated that part two of the government’s PCC Review will also have a focus on further strengthening the PCC role in the CJS.

## Local government reform in England

The Government is also developing a White Paper on reforming the local government system to put in place more mayors and devolve greater responsibilities to them. One of the responsibilities that may be devolved are those of the PCC (as is currently the case in London and Manchester). Originally, the White Paper was due for publication this autumn but has now been delayed to the spring of next year.

Part one of the PCC Review included some initial questions on devolution of PCC powers. Broadly, there are two models of devolution of PCC powers to mayors, one in which the corporation sole under which PCCs are constituted is retained within the Mayors’ Office (as is the case in London), and one in which the corporation sole powers pass to a combined authority, but with

decision making reserved to the Mayors' Office (as is the case in Manchester). The key arguments that PCCs put forward in the response to part one of the PCC Review, was that the Government should legislate to enable the PCC corporate sole structure to be passported direct to the Mayor (as in London), that mayoral constructs should be coterminous with PCC areas, and that PCCs must be consulted locally on any mayoral proposals (which is not currently required).



# 23 THE IMPACT OF THE COVID-19 PANDEMIC

► This section sets out the main impacts that the COVID-19 pandemic has had on policing and PCCs, including in relation to the wider CJS, and the steps that PCCs have taken to tackle issues which have arisen. See section [24 PCCS IN WALES](#) for additional information relating to Wales.

## Initial lockdown period

This section sets out the key activity undertaken by policing and PCCs during the initial phase of lockdown.

### Operation Talla

This was the key operational response by police forces. It set up a mechanism to co-ordinate police activity and gather local data on a national basis to inform the policing response. The data gathered was published and circulated to PCCs, initially on a weekly basis (later a monthly basis). This covered information on things like police workforce absence, recorded crime trends (with a particular focus on domestic abuse, covid-related incidents and anti-social behaviour), and Fixed Penalty Notices (FPN) issued (as these were the main sanction used for breaking lockdown rules).

### Enforcement and scrutiny

PCCs had a key role to play holding the police to account for proportionate application of the tools at their disposal under the first lockdown. This was focused on the four 'Es' approach (engage, explain, encourage and enforce), with enforcement as a last resort. Many PCCs ramped up their scrutiny and several identified concerns about FPNs being used disproportionately against some, mostly BAME, communities and took steps to address this.

### Police legitimacy

As the first lockdown continued, PCCs identified concerns about 'covid-fatigue', and people risking action for failing to socially distance, for example. In some areas PCCs were also concerned about the imposition of (and changes in) restrictions on tourist spots, second homes etc. All these issues reflected a level of public resistance and raised concerns about undermining the legitimate role of policing. Concerns remain about the long-term impact of COVID-19 and the measures that have been taken to control it on crime and policing legitimacy.

### Engagement with the public

PCCs had a key role in reassuring the public and their local communities during the first lockdown and subsequently. OPCCs have developed their use of video and online platforms to sustain their engagement with the public and with partners. Many have reviewed their websites and other digital media to ensure that they presented information to the public effectively and increased reliance in online communications.

### Financial issues

The COVID-19 pandemic and ongoing lockdowns have had a significant impact on policing finances, as forces have incurred

costs in operationalising the COVID-19 response, maintaining business as usual, procuring PPE, and managing the storage and distribution of PPE across the policing service. The Home Office recently confirmed that the costs of all PPE would be reimbursed in full, including face coverings and costs associated with the storage and distribution of national stock.

In addition, in October 2020 the Home Office provided £30m of funding across police forces to undertake increased enforcement activity of coronavirus rules, on top of their regular policing duties.

The COVID-19 pandemic informed the decision by the Government to abandon plans for a three-year Spending Review in favour of a single year settlement for 2021-22, contributing to uncertainty about future funding and reducing the ability of PCCs and forces to forward plan. This is compounded by the fact that local Council Tax Precept collection rates could be adversely affected (and also future growth in new homes upon which to levy Council Tax Precept), due to the economic downturn. This could also have a direct impact on the overall amount of funding available for PCCs over the foreseeable future. Of course, there is also concern about the longer-term implications of the COVID-19 pandemic, including the impact of austerity and a likely rise in unemployment, alongside other potentially significant developments, notably the UK's exit from the European Union (Brexit).

## Working in partnership and supporting victims

Partnership working has been key to tackling the COVID-19 pandemic and it has, for instance, been important for PCCs and the police to work with local public health bodies and local authorities to deliver a comprehensive public service response to the pandemic. Equally, it has been important for PCCs to continue to support victims, when the isolation which flows from lockdown restrictions it in itself a risk factor for them. Some of the work that PCCs have been involved in is set out below.

### Local Resilience Forums

LRFs are key local structures for assessing risk and producing emergency plans to prevent, mitigate and manage the impact of serious emergencies on our communities (see section [10 POLICE FINANCE: THE LOCAL CORPORATE AND FINANCIAL PROCESS](#) for more detail). They have been the mechanism through which partnership work between emergency services, and other key agencies with a role in emergency response to tackle the COVID-19 pandemic is driven locally. LRFs were established by the Civil Contingencies Act 2004 and this legislation still provides the legal framework for their operation.

This means they were established before the creation of PCCs, and while some PCCs and OPCCs are represented on their local LRFs, others are not, with significant variation in local approaches. The APCC is discussing the way forward with government.

### **Ministerial calls**

The APCC arranged for all PCCs to have weekly calls (later bi-weekly and then monthly) with Home Office and/or MoJ Ministers to help inform them about developments and enable them to ask questions of Ministers and raise local concerns and issues. This helped to alert Ministers to emerging issues locally and helped PCCs to make a case for, amongst other things, additional funding for victims and for forces, and the significant issues with local court backlogs.

### **Domestic abuse**

There were concerns from an early stage that lockdown had set up an environment in which domestic abuse could flourish. Working with MoJ, PCCs provided evidence to help secure additional funding to support victims of domestic abuse, which was routed through PCCs so they could bolster local support services. The initial funding was only to cover an initial period until the end of October, but the Treasury later agreed it could be used until the end of April next year.

### **Victims in general**

PCCs remain concerned about the emotional, psychological, and financial impact of the isolation brought about by lockdowns on victims generally, and have looked at how victims support can be strengthened locally to help counter some of these effects. In addition, PCCs remain very concerned about victims' access to justice, given the impact of the lockdown on the work of courts – see below – and we continue to work with the MoJ to try to address these issues.

### **Court system**

There were significant backlogs in Crown Court cases in most areas before the first lockdown, which were greatly exacerbated by the closure of the courts at the end of March. This has remained an enduring problem, with backlogs generally still increasing to the present. The main reason for this was the ability of court buildings to implement social distancing requirements while still retaining court capacity. There have also been some problems with the costs to policing of video remand hearings, which has led to delays in this area too.

PCCs remain concerned about the impacts on victims and witnesses of court cases being constantly rescheduled or delayed, and the questions this raises about the legitimacy of the justice system. In some areas, PCCs have worked with local partners to try to source and make available to the courts other local public sector buildings that can be socially distanced and repurposed as

'Nightingale Courts', but there is frustration that in many areas this has failed, because of blockages in local partnership working with HMCTS, and perceived lack of empowered to make these decisions. The situation has also led to the CJS system putting pressure on the police to use out of court disposals or restorative justice more frequently (where in some cases there are concerns this may be inappropriate).

As Chairs of LCJBs and convenors of local partnerships, PCCs have a critical role to play in CJS reform and recovery, and are working with the MoJ and others to ensure there is increased flexibility to develop and empower innovative approaches at the local level.

# 24 PCCS IN WALES

▶ This section aims to set out some more detailed information on how policing and crime arrangements differ in Wales compared to England. Whilst neither policing nor justice are devolved matters, much of the rest of the landscape within which policing sits has been devolved to the Welsh Government. This includes matters such as local government, health services, education and fire services, all of which impact on the way in which PCCs in Wales carry out their policing and crime functions and also how certain financial matters are dealt with – notably in relation to how partnership arrangements work and financial responsibilities that lie with Welsh Ministers and not Home Office Ministers. The section also sets out how PCCs in Wales responded to the COVID-19 pandemic.

## Key features

The first notable differences are in relation to the structures that have been put in place to enable engagement between policing, the Welsh Government, criminal justice agencies and the other public bodies, such as local councils, which deliver devolved services. The most important of these are:

- ▶ The Policing Partnership Board for Wales;
- ▶ The Senedd Cymru – Welsh Parliament Cross-Party Group on Policing;
- ▶ Policing in Wales;
- ▶ Criminal Justice in Wales;
- ▶ Public Service Boards Wales - established under the *Well-being of Future Generations (Wales) Act 2015*; and
- ▶ the Fire and Emergency Services Collaboration

More details on these bodies and arrangements are set out below as well as information on:

- ▶ the financial landscape in Wales; and
- ▶ the response to the COVID-19 pandemic in Wales

## The Policing Partnership Board for Wales

The four PCCs and four Chief Constables in Wales have given considerable thought to the way in which they organise themselves to relate more effectively with the Welsh Government and their devolved and non-devolved partners whilst fully recognising that policing is not devolved. The Policing Partnership Board for Wales ('the Board') provides a bridge on policing issues between the devolved and non-devolved aspects of public service in which the police operate in Wales.

The Board is intended to work effectively with the current constitutional arrangements and also to strengthen the understanding, arrangements, practices and interface between policing and the Welsh Government and other devolved governmental bodies. It does not supersede or vary the legal duties of the Welsh Government, PCCs or Chief Constables. Chief Constables remain operationally independent.

The Board held its first meeting on 19 November 2018 and it normally meets on a quarterly basis. It is chaired by the First

Minister for Wales or his or her Deputy and the secretariat is provided by Welsh Policing. The minutes of the Board meetings are published on the Welsh Government's website and are available at [gov.wales/policing-partnership-board-wales/about-us](http://gov.wales/policing-partnership-board-wales/about-us).

Each meeting considers a specific theme which is agreed in advance. The meetings receive a presentation on the theme from a policing lead and/or a PCC. The meeting theme takes up the majority of the available time although questions may be raised on any policing-related matter with the PCCs and Chief Constables present and vice versa with the Welsh Government. The opportunity is also taken to discuss significant ongoing matters as well as highlighting important matters to the Welsh Government at an individual force level. The ultimate aim is to deliver a joined-up service to the people of Wales which takes account of the nature of devolved and non-devolved responsibilities in order to deliver a seamless service.

## Purpose

The purpose of the Board is to:

- ▶ promote and co-ordinate partnership working between the Welsh Government and public services under its devolved remit with policing in Wales in order to promote community safety and support the overall delivery of services to communities;
- ▶ ensure that the Welsh Government and the police service in Wales are informed of their respective challenges and the impact that they have on the public in Wales;
- ▶ enable the Welsh Government and the police service in Wales to identify the implications of the UK and Welsh legislative programmes and the impact on the public in Wales;
- ▶ have due cognisance of regulations and guidance issued by the Home Office, the MoJ, the NCA, the HMICFRS, the IOPC, the CoP and other relevant bodies and their impact in an otherwise devolved environment; and
- ▶ identify and, where appropriate, agree collaborative initiatives that support the prosperity of Wales, and the principles and goals of the *Well-being of Future Generations (Wales) Act 2015*.

## Membership

Membership of the Policing Partnership Board for Wales consists of:

- ▶ The First Minister for Wales (Chair);
- ▶ Deputy Minister and Chief Whip (Deputy Chair);
- ▶ Cabinet Secretary for Health and Social Services;
- ▶ other Cabinet Secretaries as appropriate for relevant issues;
- ▶ Director General, Education and Public Services, Welsh Government;
- ▶ Chief Constable, Dyfed Powys Police;
- ▶ PCC for Dyfed Powys;
- ▶ Chief Constable, Gwent Police;
- ▶ PCC for Gwent;
- ▶ Chief Constable, North Wales Police;
- ▶ PCC for North Wales;
- ▶ Chief Constable, South Wales Police;
- ▶ PCC for South Wales;
- ▶ Secretary of State for Wales or a senior representative from his or her office;
- ▶ a senior Home Office representative;
- ▶ a senior Ministry of Justice representative;
- ▶ Chief Executive, NHS Wales; and
- ▶ Leader and Chief Executive, Welsh Local Government Association.

The meetings may also be attended by officials from the Police Liaison Unit (PLU), the Welsh Government and the OPPCs in Wales.

## **Senedd Cymru – Welsh Parliament Cross-Party Group on Policing**

The four PCCs and four Chief Constables in Wales are committed to organising themselves to relate effectively with their devolved and non-devolved partners whilst fully recognising that policing is not devolved. To that end a Cross-Party Group on Policing has been established with Senedd Cymru – Welsh Parliament (‘the Senedd’) to engage with all MSs on policing challenges and how they relate to the devolved work of the Senedd.

The Senedd is a democratically elected body that represents the interests of Wales and its people and it has four key roles:

- ▶ representing Wales and its people;
- ▶ making laws for Wales;
- ▶ agreeing Welsh taxes; and
- ▶ holding the Welsh Government to account.

There are 60 elected MSs in the Senedd.

The Senedd and the Welsh Government are separate entities with different responsibilities. The Welsh Government proposes laws, budgets, develops and implements policies. If the Senedd passes a law, the Welsh Government implements the policy. The PCCs and Chief Constables in Wales have established a separate Policing Partnership Board for Wales in order to engage with the Welsh Government.

### **Purpose**

The purpose of the Senedd Cross-Party Groups is to provide a forum for Senedd MSs from different parties to meet in order to consider and discuss shared interests in particular subjects.

Cross-Party Groups are not formal Senedd groupings and they are not bound by any of the Senedd’s Standing Orders. They have no formal role in policy development. Cross-Party Groups may be set up by MSs in respect of any subject area relevant to the Senedd, but should not attempt to replicate the functional areas covered by Senedd Committees, nor do they have any of the powers of a Senedd Committee.

The Cross-Party Group on Policing (‘the Group’) aims to consider the questions of:

- ▶ how policing operates within the devolved and non-devolved aspects of public services in Wales;
- ▶ what are the current issues facing the service in Wales; and
- ▶ how to engage with the Senedd on policing challenges and on policy and practical issues of common interest.

Each meeting considers a specific theme which is set by the Group in advance. The MSs usually receive a presentation on the theme from a policing lead or a PCC. Although the meetings are themed, MSs may raise questions on any policing-related matter with the PCCs and Chief Constables present. The purpose of the theme is to raise the awareness of MSs on policing-related matters and to set out how they cross cut with the devolved work of the Senedd. The ultimate aim is to deliver a joined-up service to the people of Wales which takes account of the nature of devolved and non-devolved responsibilities in order to deliver a seamless service.

### **Membership**

Membership of the Cross-Party Group on Policing consists of:

- ▶ John Griffiths MS, Member of the Senedd for Newport East (Chair);
- ▶ any MSs may attend;
- ▶ Welsh Government Ministers may be invited to attend;
- ▶ Chief Constable, Dyfed Powys Police;

- ▶ PCC for Dyfed Powys;
- ▶ Chief Constable, Gwent Police;
- ▶ PCC for Gwent;
- ▶ Chief Constable, North Wales Police;
- ▶ PCC for North Wales;
- ▶ Chief Constable, South Wales Police; and
- ▶ PCC for South Wales.

The meetings may also be attended by officials from the PLU, the Senedd and the OPCCs in Wales.

### Secretariat

The secretariat is provided by the PLU.

### Meetings

The inaugural meeting of the Group took place on 10 July 2018. Meetings are held on a termly basis (three per annum) and the minutes are published on the Senedd's website at [business.senedd.wales/mgOutsideBodyDetails.aspx?ID=525](https://www.senedd.wales/mgOutsideBodyDetails.aspx?ID=525).

## Policing in Wales

The All Wales Policing Group ('the Group') provides a forum to enable PCCs and Chief Constables in Wales to co-ordinate and scrutinise collaborative and partnership working across Wales.

The purpose of the Group is to:

- ▶ enable PCCs and Chief Constables to discharge their statutory collaboration duties;
- ▶ provide strategic leadership, direction and appropriate authority for collaboration and partnerships for policing in Wales;
- ▶ provide direction and scrutinise the delivery of the collaboration programme;
- ▶ consider the contribution to the SPR and the impact it has in Wales;
- ▶ consider issues for discussion at the Policing Board for Wales and the Cross-Party Group;
- ▶ determine how policing as a non-devolved service can effectively contribute to the predominantly devolved public sector in Wales;
- ▶ consider the impact of matters that affect policing in Wales that go beyond individual force level and to formulate appropriate response strategies;
- ▶ consider and respond appropriately to matters arising from the APCC and the NPCC;
- ▶ consider and determine how best to represent the interests of Wales at regional and national level; and

- ▶ exchange best practice between PCCs teams and forces.

### Membership

Membership of the All Wales Policing Group consists of:

- ▶ Chief Constable, Dyfed Powys Police;
- ▶ PCC for Dyfed Powys;
- ▶ Chief Constable, Gwent Police;
- ▶ PCC for Gwent;
- ▶ Chief Constable, North Wales Police;
- ▶ PCC for North Wales;
- ▶ Chief Constable, South Wales Police; and
- ▶ PCC for South Wales.

Chief Executives and Chief Finance Officers along with other senior officials such as the Head of the PLU, the APCC Wales link officer and the Head of the All Wales Collaboration programme also attend the meetings.

### Chair

The Chair of the Group is a PCC who performs the role for a period of 12 continuous months. The role rotates between the four PCCs in Wales so that they each chair the Group during the period between scheduled elections for PCCs that take place every four years.

The Chair represents the interests of the Group by working with the Chair of the Welsh Chief Officer Group as necessary outside the formal meeting structure. In doing so the Chairs of both Groups ensure their respective colleagues are kept informed of developments and actions undertaken on their behalf.

### Secretariat

Secretariat support is provided by the Chief Executive to the Chair of the All Wales Policing Group. This includes the preparation of agendas, minutes, action tables, collation of reports, liaising with visiting speakers, guests and all matters relating to the meeting venue.

### Frequency of meetings and timescales

Meetings are held on a quarterly basis. They are scheduled to allow for the timely consideration of matters to be raised at the Policing Partnership Board for Wales and the Cross-Party Group on Policing.

## Criminal Justice in Wales

The All Wales Criminal Justice Board ('the Board') brings together senior leaders from across the CJS in Wales. As well as the PCCs, membership includes courts, prisons and probation, youth justice, CPS, the Welsh Government, police, health and the voluntary

sector. The Board takes a joined-up, collaborative approach to address challenges facing the system within the context of the devolution settlement in Wales. It has a particular focus reducing the impact of crime on the people of Wales by reducing offending and providing improved outcomes for victims. All PCCs in Wales currently chair their LCJBs. Section 7 contains details of a new probation service model being taken forward in England and Wales.

## Public Service Boards – Wales

PSBs are a statutory strategic partnership established under the *Well-being of Future Generations (Wales) Act 2015* ('the Act'). The purpose of the Act is to improve the social, economic, environmental and cultural well-being of Wales.

PSBs improve joint working across all public services in each local authority area in Wales. Each PSB must carry out a well-being assessment and publish an annual local well-being plan, which sets out how they will meet their responsibilities under the Act.

The statutory members of each PSB are:

- ▶ the local authority
- ▶ the local health board
- ▶ the fire and rescue authority; and
- ▶ Natural Resources Wales

In addition, the following are invited to participate:

- ▶ Welsh Ministers
- ▶ Chief Constables
- ▶ PCCs
- ▶ relevant probation services; and
- ▶ at least one body representing voluntary organisations.

## The Fire and Emergency Services Collaboration

The *Policing and Crime Act 2017* sought to improve interest and take up of bluelight services working together by placing a statutory duty upon emergency services (ambulance, fire and police) to keep collaboration opportunities under review and, where it is in the interests of their efficiency or effectiveness, to put those collaboration opportunities into practice. See section [11 COLLABORATION](#) for further details.

In Wales the responsibility for fire and ambulance has been devolved to the Welsh Government. The option to replace the fire and rescue authority and take on its duties does not therefore apply to PCCs in Wales.

Welsh policing has, nevertheless, well-embedded partnership working arrangements with the fire and rescue and the

ambulance service. There are examples of positive collaboration initiatives such as shared premises for control rooms and other operational buildings that demonstrate a positive working relationship between the services in Wales. Medical healthcare specialists such as mental health nurses are located in control rooms in order to assist the police to prioritise their responses to people who may or may not have mental health issues.

## Finance

The second set of notable differences relate to those in the financial landscape within which the four Welsh PCCs must operate. The following provides a high-level list of differences compared to English counterparts; the detailed elements and application of each can be obtained from the individual PCC's CFO:

### Council Tax Precept

The ability for PCCs in Wales to raise Council Tax Precept is a matter devolved to the Welsh Government. Therefore, different arrangements exist in Wales in relation to:

- ▶ property bandings;
- ▶ 'capping' powers on annual increases;
- ▶ the operation of Council Tax Collection Accounts; and
- ▶ the application of the Council Tax Reduction Scheme.

### Core Government Grant

An element of a PCC's Core Government Grant is received directly from the Welsh Government Grant each year, in combination with that received directly from the Home Office. Arrangements exist that no Welsh PCC will be disadvantaged in terms of annual changes to the Core Government Grant received compared to English counterparts; and vice versa.

### Specific Government Grant

Welsh PCCs are currently in receipt of direct specific grant funding from the Welsh Government, the most notable being the funding of 500 PCSOs across Wales.

## Response to the COVID-19 pandemic in Wales

It is important to understand that the responsibility for responding to the COVID-19 pandemic in Wales, including determining the relevant restrictions, is a matter for the Welsh Government.

Policing in Wales and the Welsh Government must and do work closely together on a broad range of mutual issues including the response to the COVID-19 pandemic. This is important because policing remains a reserved power that must operate in a predominantly devolved public services context. Wales is a nation not a region because it has its own government and parliament with law-making powers.

Policing in Wales has had regular access to Ministers and senior officials within the Welsh Government during the course of the pandemic. The Chair of Policing in Wales has fortnightly meetings with the Deputy First Minister. Fortnightly, previously weekly, meetings are held between the PCCs and the Director of Local Government to discuss changes to the regulations. These arrangements have proven invaluable when responding to the pandemic. They have enabled Policing in Wales to engage directly with the Welsh Government and its lead officials on the response to the COVID-19 pandemic. The PLU, which is located within the Welsh Government's main offices in Cardiff, has been particularly effective in that respect.

PCCs in Wales also participate in the regular meetings with the UK Government's Policing Minister.

During the initial stages of the COVID-19 pandemic, co-ordination and communication arrangements were established between the police and the Welsh Government through the ECC(W). The PLU established a formal embed in the ECC(W) Bird Table meetings which initially met three times a day, seven days a week. That ensured Policing in Wales was an integral part of the response arrangements to the COVID-19 pandemic. As the COVID-19 pandemic has progressed and infection levels have reduced these meetings no longer take place, although the possibility of reinstating them remains should the need arise.

Developments were happening on a daily basis and it was important to be able to react consistently across Wales so officers could be clear about safe operational practices and the public were aware of what the rules were around lockdown restrictions. Consistent, concise and clear messaging was crucial to ensure compliance with the regulations and guidance to prevent the need for unnecessary police engagement with the public because of a breach of the regulations.

Agile working principles were already in place across the four forces in Wales and that meant it was possible for many staff to work from home and they were effectively pre-prepared and able to adapt their working practices. Connectivity using information technology and alternative means of communication undoubtedly enabled business to continue as usual as far as possible under the restrictions.

The four 'Es' approach (engage, explain, encourage and enforce) has been central to the response to the pandemic in Wales and the messaging has been clear in that enforcement is a last resort. The PCCs, Chief Constables and the Welsh Government understood that the support of the public was essential and compliance has generally been very high. Public support and compliance has been largely very strong in Wales and PCCs and Chief Constables have worked hard to deliver consistent and clear messaging with the Welsh Government on what is required.

This has occasionally proved challenging given the difference in approach taken by the UK Government.

## Local Resilience Forums in Wales

LRFs in Wales operate on the same basis as in England, as defined by the *Civil Contingencies Act 2004*. The arrangements in Wales allow the LRFs to link in with the SCGs and from there to the Gold groups within forces and also the Welsh Government.

During the COVID-19 pandemic, PCCs and members of their senior management teams received regular briefings directly from Chief Constables or their chief officers at Gold level in order to ensure they were kept fully updated on developments. PCCs also received daily updates from the meetings which took place at the ECC(W) and they had a formal policing embed in those meetings. Any emerging issues highlighted by the LRFs to the SCGs were highlighted through that architecture. That provided an added assurance that PCCs in Wales were kept fully informed of the response to the pandemic and equally they could input to the ECC(W) via their policing representatives.

# 25 ACRONYMS USED IN THIS DOCUMENT

<b>APAC2E</b> Association of Policing and Crime Chief Executives	<b>P&amp;CA</b> Policing and Crime Act 2017
<b>BTPA</b> British Transport Police Authority	<b>PaCCTS</b> Police and Crime Commissioners Treasurers Society
<b>CFO</b> Chief Finance Officer	<b>PARO</b> Police Area Returning Officer
<b>CIPFA</b> Chartered Institute of Public Finance & Accountancy	<b>PAT</b> Police Appeals Tribunal
<b>CIW</b> Care Inspectorate Wales	<b>PCC</b> Police and Crime Commissioner
<b>CJS</b> Criminal justice system	<b>PCP</b> Police and Crime Panel
<b>CPOSA</b> Chief Police Officers Staff Association	<b>PESD</b> Public Sector Equality Duty
<b>CPPB</b> Crime Policing and Performance Board	<b>PFCC</b> Police, Fire and Crime Commissioner
<b>CPS</b> Crown Prosecution Service	<b>PHE</b> Public Health England
<b>CQC</b> Care Quality Commission	<b>PHW</b> Public Health Wales
<b>CSP</b> Community Safety Partnership	<b>PLU</b> Police Liaison Unit
<b>ECC(W)</b> Emergency Co-ordination Centre (Wales)	<b>PMP</b> Police Misconduct Panel
<b>FPN</b> Fixed Penalty Notices	<b>PRSRA</b> Police Reform and Social Responsibility Act 2011
<b>FRS</b> Fire and Rescue Service	<b>PSB</b> Public Services Board
<b>FRSs</b> Fire and rescue services	<b>ROCU</b> Regional Organised Crime Units
<b>GLA</b> Greater London Authority	<b>SCIB</b> Strategic Change and Investment Board
<b>GMCA</b> Greater Manchester Combined Authority	<b>SOC</b> Serious and Organised Crime
<b>HMCIC</b> Her Majesty's Chief Inspector of Constabulary	<b>SOLACE</b> Society of Local Authority Chief Executives
<b>HMCTS</b> Her Majesty's Courts and Tribunal Service	<b>SPR</b> Strategic Policing Requirement
<b>HMIC</b> Her Majesty's Inspector	<b>VfM</b> Value for Money
<b>HMIC</b> Her Majesty's Inspectorate of Constabulary	<b>VPU</b> Violence Prevention Unit
<b>HMICFRS</b> Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services	<b>VRU</b> Violence Reduction Unit
<b>HMIP</b> Her Majesty's Inspectorate of Prisons	<b>WLGA</b> Welsh Local Government Association
<b>HR</b> Human Resources	
<b>HWB</b> Health and Wellbeing Board	
<b>ICT</b> Information and communications technology	
<b>IOPC</b> Independent Office of Police Conduct	
<b>IPCC</b> Independent Police Complaints Commission	
<b>JBC</b> Joint Biosecurity Centre	
<b>JHWS</b> Joint health and wellbeing strategy	
<b>JPA</b> Jersey Police Authority	
<b>JSNA</b> Joint strategic needs assessment	
<b>LCJB</b> Local Criminal Justice Board	
<b>LGA</b> Local Government Association	
<b>LQC</b> Legally qualified chair	
<b>LRF</b> Local Resilience Forums	
<b>MoJ</b> Ministry of Justice	
<b>MOPAC</b> Mayor's Office for Policing And Crime –London	
<b>MSs</b> Members of the Senedd	
<b>NAO</b> National Audit Office	
<b>NCA</b> National Crime Agency	
<b>NHIP</b> National Institute for Health Protection	
<b>NLF</b> National Lead Force	
<b>NPAS</b> National Police Air Service	
<b>NPB</b> National Policing Board	
<b>NPCC</b> National Police Chiefs Council	
<b>NPOCC</b> National Police Operations Co-ordination Centre	
<b>NPS</b> National Probation Service	
<b>NWCU</b> National Wildlife Crime Unit	
<b>OPCC</b> Office of the PCC	







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