



# PCC CANDIDATE BRIEFING

Guidance, advice and information for anyone interested in standing as a candidate in the **2020 Police and Crime Commissioner elections**

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# 1 INTRODUCTION

▶ This briefing note is prepared by the Association of Police and Crime Commissioners (APCC) for candidates and prospective candidates for the May 2020 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 will be held for the third time on the 7th of May 2020 in police force areas across England and Wales. In Greater Manchester and London the PCC accountabilities lie with the Mayor, 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 ROLE AND RESPONSIBILITIES OF A PCC

▶ This section sets out the main statutory responsibilities and powers of PCCs. This briefing note 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 two Acts: the *Police Reform and Social Responsibility Act 2011* (PRSRSA) 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, which is still in the process of implementation.

## 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. [PRSRSA, 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. [PRSRSA, 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. [PRSRSA, 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. [PRSRSA, 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 (or play a role in local authority fire governance). The PCC will also have 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 the separate briefing on this topic. [PRSRSA, 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 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. [PRSRSA, 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 **13 POLICE AND CRIME PANELS: COMPOSITION, ROLE AND FUNCTIONS**. Further information on finance and audit aspects can be found in the separate briefing notes. [PRSRSA, 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 Specified Information Order (see separate briefing on this topic). 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. [PRSRA, S11-14; and Schedule 11]

## People

The PCC may appoint, suspend or remove the chief police officer and must be consulted by the chief officer on the appointment of Deputy and Assistant Chief Constables. The PCP has a power of veto over the appointment of the chief officer. The PCC must appoint to the Office of the PCC (OPCC) a Chief Executive and a Chief Finance Officer (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 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. [PRSRA, 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 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 Independent Office of Police Conduct (IOPC) to investigate. Once the complaints provisions of the P&CA are implemented, the PCC will also be responsible for handling the reviews 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. 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. [PRSRA, 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); PRSRA, S22, S24-25 and S27]
- ▶ sets the precept limitations for PCCs; [*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 Strategic Policing Requirement (SPR), to which PCCs and chief police officers must have regard. [PRSRA, 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 PRSRA 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 [PRSRA, S79]
- ▶ PCCs must observe the Financial Code of Practice issued by the Secretary of State. [PRSRA, 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. [PRSRA, 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 *Equalities Act 2010*, the *Freedom of Information Act 2000*, the *Data Protection Act 2018* etc.

### **Lead APCC contact for this section**

Cat McIntyre

**T** 07714 399754

**E** [cat.mcintyre@apccs.police.uk](mailto:cat.mcintyre@apccs.police.uk)

# 3 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 barred 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 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 briefing 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, the Civil Nuclear Police Authority, the Independent Office of Police Conduct or the National Crime Agency;
- ▶ 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;
- ▶ the National Assembly for Wales;
- ▶ 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 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 National Assembly for Wales;
- ▶ 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 office expires, 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.

## Lead APCC contact for this section

Cat McIntyre  
T 07714 399754  
E [cat.mcintyre@apccs.police.uk](mailto:cat.mcintyre@apccs.police.uk)

<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*

# 4 PCCS: MAKING A DIFFERENCE IN THEIR LOCAL COMMUNITIES

► This section gives examples of the work that PCCs are doing locally to make a real difference to their local communities.

## Improving victim services and putting victims at the heart of the criminal justice system

PCCs have a responsibility for commissioning the majority of local services to support victims and survivors of crime. This includes both general and specialist support services including services to help victims of domestic abuse and sexual violence. PCCs do this working in partnership with other stakeholders such as local authorities, health services and specialist third sector organisations and charities. Each PCC has a Police and Crime Plan, which sets out their strategy for preventing and tackling crime in their area, including setting how their plan for supporting victims.

PCCs are senior, locally-elected Criminal Justice Service (CJS) leaders, with a duty to cooperate with other justice sector agencies and ensure an effective and efficient local CJS. Most PCCs chair their local Criminal Justice Board, made up of senior leaders from across criminal justice agencies. This enables them to bring about real change to how victims and survivors are supported.

The APCC publication *PCCs Making a Difference: VAWG in Focus* highlights six innovative projects undertaken by PCCs, which are making a real difference to the lives of women and girls affected by violence. They include:

- Diversion Support Workers, recruited to work within a Northumbria community Rehabilitation company, with women offenders;
- Trauma-focused Cognitive Behaviour Therapeutic Support for young people;
- Domestic Violence Protection Orders to allow victims 'breathing space' from perpetrators;
- a three-year project to transform the support sexual violence victims are offered when they present at hospital;
- tackling the abuse of people with learning difficulties and mental health issues; and
- improving multi-agency outreach work to Black, Asian, Minority Ethnic and Refugee (BAMER) communities.

In addition, PCCs also have responsibility for monitoring how the criminal justice system locally is meeting the needs of victims, ensuring they are receiving their entitlements under the *Code of Practice for Victims of Crime* ('the Victim's Code').

The APCC has also been working with the Ministry of Justice (MoJ) and the prison and probation services in developing the role of PCCs within the new probation service arrangements, which

has involved strengthening their role in the leadership and co-commissioning of local reducing reoffending services.

The publication *PCCs Making a Difference: 'Putting Victims First in Focus'* provides a snapshot of the groundbreaking work that PCCs are engaged in with partners across England and Wales to bring about real change in the ways in which victims of crime are helped and supported in our communities.

The innovative projects highlighted in the publication, that demonstrate how PCCs are putting victims first by transforming the services provided for victims and putting them at the heart of the criminal justice system, include:

- a new Victim Advice Line
- new and enhanced Domestic Abuse Support Services;
- the introduction of Victims' Services Coordinators;
- the launch of a consistent quality assurance framework for victims;
- the appointment of London's first independent Victims' Commissioner; and
- improved Restorative Justice Services.

## Working with partners to prevent crime and create safer communities

Working with the UK and Welsh Governments, PCCs are working to transform their local criminal justice systems to prevent crime and improve services to reduce offending and reoffending at a local level.

Over a year on from the Government's *Serious Violence Strategy*, PCCs are stepping up and implementing a whole series of community safety initiatives. Some of these are driven and fully funded locally, and many others have been developed alongside partnership organisations or supported through the Home Office's Early Intervention Youth Fund. With additional funding to tackle violent and knife crime announced in the Spring Statement, PCCs are helping to coordinate sustainable prevention and early intervention programmes in the areas of most need. PCCs are well placed to adapt and lead local responses to tackling serious violence, but in order to have the greatest impact, a whole system approach is needed and as local leaders PCCs have a vital role to play in coordinating and making this happen.

The APCC publication *PCCs Making a Difference: Serious Violence in Focus* is a snapshot of the groundbreaking work that PCCs are engaged in with partners across England and Wales and gives excellent examples of how they are really making a

positive difference for the public. You will find examples of how PCCs are making a real difference in tackling serious violence by working with partner organisations including around: one-to-one mentoring; youth diversion schemes and projects with schools, ex-offenders, Premier League football clubs, medical staff and CSPs, to get to the root of the problem and improve our communities and help our young people, who are, after all, the future.

The APCC publication *PCCs Making a Difference: Prevention in Focus* demonstrates the commitment and drive of PCCs in investing in early intervention and prevention services in their local communities. By working with partners across not just policing but health, social care, local authorities and charities they are tackling the factors that can lead to crime. Case studies include working with women offenders; an award-winning Community Peer Mentor Service; a Safe Schools and Communities Team project; a Young Victims of Crime Service; Adverse Childhood Experiences projects; as well as various sport-based intervention schemes.

# 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 set out in *Standards in Public Life: First Report of the Committee on Standards in Public Life* (known as 'the Nolan Principles'). This has been translated into *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 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 Strategic Policing Requirement published by the Home Secretary. 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. 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, Chief Finance Officer 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 has allowed for the Home Office to withdraw from day-to-day policing matters, giving the police greater freedom to fight crime as they see fit, and allowing local communities to hold the police to account. However:

- ▶ 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 Strategic Policing Requirement 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.

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

Finally, 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.

# 6 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 operation 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 separate briefing on this). 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.

## Performance

Some PCCs have set targets for their police force, although a review into the use of targets commissioned by the Home Secretary 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, Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) has recently introduced Force Management Statements, which are designed to capture a range of information and data from forces to inform HMICFRS's 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.

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.

# 7 POLICE FINANCE: THE LOCAL CORPORATE AND FINANCIAL PROCESS

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

Much of the information provided in this section has a very detailed background and therefore a number of source documents are referenced. Additionally, the PCC Chief Finance Officer will be able to provide a more detailed explanation of key areas as required.

## The local corporate and financial process – 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:

<b>April</b>	Consultation with community and partners on current year programmes.	<b>January</b>	Finalisation of budget options; Council Tax and reserves strategy. Final Grant Settlement received. Submission of PCC's precept to the PCP
<b>May</b>	Provisional financial and performance outturns for previous year. Draft unaudited Statements of Account produced.	<b>February</b>	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.
<b>June</b>	Position statements: benchmarking of financial, operational, and strategic performance based on previous and current year data.	<b>March</b>	Agree financial and performance targets with Chief Constable and partners; public and media announcements about Budget and future plans.
<b>July</b>	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.	<b>What statement of accounts does the PCC have to prepare?</b>	Under the <i>Police Reform and Social Responsibility Act 2011</i> ('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.
<b>August/September</b>	Discuss initial budget options for the following financial year, with the Chief Constable and partners; balancing of aspirations and likely resources.	<b>Who supports the PCC to fulfil their financial responsibilities?</b>	In terms of a PCC's financial responsibilities their primary financial relationship will be with the PCC Chief Finance Officer (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.
<b>September/October</b>	Detailed 'bottom up' budget setting undertaken by the Finance Department. Plan consultation with the public on proposed precept before January. Initial liaison with the PCP on next year's Budget and the Police and Crime Plan; and draft strategy for commissioned services.	<b>Who else does the PCC need to engage with around financial planning?</b>	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: <ul style="list-style-type: none"><li>► the Chief Constable's CFO, who also holds statutory responsibilities, but in relation to force finance;</li><li>► the PCP, which must be consulted on the precept and holds the potential power of veto;</li></ul>
<b>November</b>	Chief Constable's budget bid received and scrutinised.		
<b>December</b>	Provisional Government Grant Settlement received, plus guidance on Council Tax levels and referendum rules. Formal draft budget presented to the PCP; firmed up commissioning plans.		

- ▶ 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);
- ▶ 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;
- ▶ the Chief Constable;
- ▶ 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 *Strategic Policing Requirement*. 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).
- ▶ 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) Framework and Guidance on corporate governance (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 Core plus WG legislation as applicable (*The Prudential Code, 2017*).

- ▶ 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 Updates;
- ▶ Police and Crime Commissioners Treasurers Society (PaCCTS) publications (annual surveys on budget and precept options; one-off consultations);
- ▶ Somerset County Council (PCC Treasurers 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/Association of Police and Crime Commissioner Chief Executives (APACE)/NPCC/PaCCTS/CIPFA and Home Office describe 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.

### **Lead APCC contact for this section**

Simon Efford

**T** 07703 124175

**E** [simon.efford@apccs.police.uk](mailto:simon.efford@apccs.police.uk)

# 8 POLICE 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.

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 Strategic Policing Requirement (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, large-scale cyber incidents, child sexual exploitation) and the national policing capabilities required to counter them;
- ▶ 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 fire and rescue services by enabling mayors and PCCs to take on responsibility for their fire and rescue service where a local case is made.

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 fire and rescue service 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 and Rescue Plan.

In developing their plans, PFCCs must also consider the Fire and Rescue National Framework 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 'AND CRIME': COMMISSIONING AND PARTNERSHIPS

▶ This section outlines the key 'and crime' elements of the role of PCCs. It also sets out the main statutory responsibilities of PCCs in relationship to partnership working and local systems leadership.

## 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 victims' commissioning, 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.

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, 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 2016-17 MoJ grant settlement also contained within it an indicative allocation specifically for the provision of services in respect of child sexual abuse (CSA).

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 CJS locally is meeting the needs of victims. The 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 unpaid work, accredited programmes, and 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.

## Community Safety Partnerships

Section 6 of the *Crime and Disorder Act 1998* requires the responsible authorities (commonly referred to collectively as a Community Safety Partnership (CSPs)) in a local government area to work together in formulating and implementing strategies to tackle local crime and disorder in the area. CSPs are made up of representatives from the police, local council, fire service, health service, probation as well as many others. Section 11 of the *Police Reform and Social Responsibility Act 2011* 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. 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.

## Local Criminal Justice Boards

PCCs also have a significant role to play within the local criminal justice system. The *Police Reform and Social Responsibility Act 2011* set out in law the reciprocal duty on PCCs and other criminal justice agencies to work together to provide an efficient and effective CJS for police force areas.

One way this works effectively is through Local Criminal Justice Boards (LCJBs). LCJBs 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 Crown Prosecution Service (CPS). PCCs provide leadership and transparency for the CJS at a local level and play a leading role in these boards with the expectation is that the PCC will usually chair the Board.

### **Public Service Boards (Wales)**

The *Well-being of Future Generations (Wales) Act 2015* introduced Public Service Boards (PSBs) in Wales. The aim of the PSBs is to improve the economic, social, environmental and cultural well-being of Wales. In the main, there is one PSB per local authority area and PCCs and Chief Constables are statutory invitees. Members include the local authority, Natural Resources Wales, fire and rescue services, and health boards amongst others.

### **Other partners**

There are a range of other partners that PCCs may need to work with locally to deliver their local plans, whether or not as part of local commissioning arrangements. These may include Health and Wellbeing Boards, Safeguarding Boards and Public Health England regional offices, as well as a range of other public and voluntary sector bodies.

# 10 FIRE AND EMERGENCY SERVICES COLLABORATION

▶ This section sets out the main statutory responsibilities of PCCs in relationship to collaboration between fire and the other emergency services (i.e. police and ambulance) also known as ‘blue light’ collaboration.

## The rationale for collaboration

Blue-light collaboration has been a long-term ambition of emergency services for some time. The *Policing and Crime Act 2017* sought to improve interest and take up of blue light 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.

## The legislation

As mentioned, the Act places a duty of PCCs to collaborate with other blue light services.

As a result, PCCs are working closely 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 developments such as sharing of buildings and joining up services, to help turn this duty into a reality on the ground.

In the past 12 months, the APCC has worked alongside PCCs, blue light sector leaders and inspectorates with the aim of supporting greater collaborative opportunities.

The Act also provided PCCs in England with the option and ability to expand their role to include fire and rescue governance.

The Act provides PCCs 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.

For those PCCs seeking to take on fire and rescue duties, they 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 PFCCs, whilst many other PCCs have chosen to join their local fire and rescue authorities.

Under this model of governance and by law, 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; and

- ▶ 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 fire and rescue service.

One of the benefits of PCCs joining the fire and rescue authority, or taking on their responsibilities, is to help better identify opportunities for collaboration between these two emergency services, as the duty to collaborate between police, fire and ambulance applies whether or not the PCC has taken on fire governance.

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 blue light collaboration through guidance on barriers, principles and evaluation of these collaborations. You can find out more about the work of PFCCs by visiting the APCC’s [fire and rescue governance webpage](#).

# 11 PCC ROLE IN THE POLICE COMPLAINTS SYSTEM

▶ This section sets out the main features of the current role of PCCs in the police complaints system and the reforms to the system, which are still partly in the process of implementation and will not be finalised until later in 2020 (the exact date has yet to be set by the Home Office).

## Current system

The PCC role in the current system is one of local oversight to ensure that the complaints process is operating effectively and ethically, and to hold the force to account for this. There are various ways in which PCCs might do this, but generally this will involve receiving periodic reports from the force on progress and key issues, as well as elements of reality checking these reports, for instance through dip sampling complaints, 'mystery shopper' type testing, and similar. However, the ability of PCCs to become more engaged in the system is limited and subject to agreement with the Chief Constable. Although most PCCs have received complaints about the way that complaints are handled by their force during their time in office, there are limits to what they can currently do to resolve this.

## Purpose of reforms

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

- ▶ 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 provides the public with clear information with which to hold their PCC to account.
- ▶ A simpler complaints system that is easier to understand.
- ▶ A system which enables the PCC and Chief Constable to identify patterns of dissatisfaction being raised and allows them to address any systemic issues.

## Main changes

The main changes set out in the legislation (some of which have already been implemented) are outlined below.

### Already implemented

- ▶ Former Officer Regulations: these enabled 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.
- ▶ IOPC: this was established to replace the Independent Police Complaints Commission, 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 College of Policing and the IOPC.

### Yet to be implemented

- ▶ A more responsive and accountable system locally, strengthening the role of PCCs.
- ▶ Practice requiring improvement/reflective practice.

## A more responsive and accountable system

Although the process for investigating serious complaints will remain with forces (including passing these to the IOPC to investigate where particularly serious or sensitive) and PCCs will continue to have a role to oversee the system locally and hold the Chief Constable to account, PCCs will be able to chose one of three complaints handling models to operate locally:

### 1 The statutory minimum

Under this model forces will 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 (unless the complaint has been handled by the IOPC).

### 2 Initial receipt of complaints

This model involves the statutory minimum requirements above, but in addition the PCC's Office will be responsible for the initial receipt of complaints. Where the complaint involves serious misconduct, it must still be passed to the force for investigation (or in some cases to the IOPC). However, pilots of this process have shown that the vast majority of complaints can be resolved informally, with an apology, an explanation, or other simple action.

### 3 Continuing contact with complainants

This model 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 on

progress, which would otherwise fall to the force to do. However, IOPC are responsible for engagement with complainants where they are responsible for investigations.

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 they can be put in place.

### **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.

### **Complaints against Chief Constables**

Under the current system, PCCs are responsible for complaints against Chief Constables and this will continue under the new system. However, there will be some changes to how this operates in practice, the detail of which is still being worked on through new statutory guidance. There will be an automatic requirement to refer complaints above a certain threshold to the IOPC to deal with.

### **Other issues relevant to PCCs**

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

# 12 CHIEF CONSTABLES: APPOINTMENT AND DISMISSAL

▶ This section provides an explanation of the processes that need to be followed when a PCC appoints a Chief Constable, it also provides a brief description of the power that the PCC has to require their Chief Constable to resign or retire. This briefing 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.

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 in that it is the appointment of the most senior leader in the force and the person who the PCC will hold to account for the delivery of policing.

## Who can apply to become a Chief Constable?

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 (HO 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, the College of Policing 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.

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*. 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* allows a PCC to require the Chief Constable to resign or retire. This is clearly a hugely resonant act for a PCC and should not be considered other than in extremis and after taking suitable advice. The APCC, in conjunction with the NPCC and the Chief Police Officers Staff Association (CPOSA), is working on an Accountability Framework 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 following process.

The process commences when the Police and Crime Commissioner 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 proposal to the Chief Inspector of Constabulary ('the Chief Inspector') and seek his 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 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 must notify the PCP whether or not he 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.

# 13 POLICE AND CRIME PANELS: COMPOSITION, ROLE AND FUNCTIONS

▶ This section explains how PCPs are composed and sets out their role and functions.

## How are Police 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 at 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 at 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 is the role and powers of the Police 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 and Crime Panel?

The main statutory functions of the PCP are listed below:

- ▶ Police and Crime Plan: review the draft police and crime 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 PCPs role in Chief Constable appointments, they are also empowered to hold confirmation hearings in relation to the appointment of the PCCs most senior staff, i.e.:
  - ▶ the Chief Executive;
  - ▶ the Chief Finance Officer; 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 Independent Police Complaints Commission (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).

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 the Mayor's Office for Policing and Crime (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.
- ▶ 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 Policing, Fire and Crime Panels 2019* – prepared by the Centre for Public Scrutiny and published by LGA.

# 14 THE ROLE OF INSPECTORATES

▶ This section provides an outline of the role of the inspectorates within the Criminal Justice System 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 fire and rescue services 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 separate briefing on this topic), if these are deemed to be force functions.

In relation to fire inspections, there are ongoing discussions between PFCs 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.

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 the briefing on the 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. However, as PCCs take on greater responsibility for offender management/probation in future, inspections which look at the interface between prison release and probation will be of increasing interest.

## Crown Prosecution Service Inspectorate

The main interest for PCCs here is in inspections of how witnesses and victims are handled within the Criminal Justice System, and inspections of the interface between the police and the 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 a stronger local role, and 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 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 Criminal Justice System.

## 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 is currently developing an online recommendations register, which will enable 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. The exact details of how this system will operate are still being discussed with HMICFRS.

# 15 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 key ones.

### **Association of Police and Crime Commissioners Chief Executives (APACE) and Pole and Crime Commissioners Treasurers Society (PACCTS)**

These are the organisations for PCC's Chief Executives and Chief Finance Officers 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 police funding settlement and APACE has been working on an accountability framework to support the APCC's work in relation to the Chief Constables Review/Round Table.

### **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 setting up regional networks, so that universities, further education colleges and police forces can work together to learn from best practice development in the use of knowledge and research 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 fire and rescue services (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 Local Government Association (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 National Crime Agency (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; CSA and exploitation; fraud and money laundering; drug trafficking; organised immigration crime and border vulnerabilities; kidnap and extortion; and bribery and corruption.

## National Police Chiefs Council

The NPCC brings police forces in the UK together to help policing coordinate 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 Strategic Policing Requirement, and working with the National Crime Agency 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 1.0*; 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 College of Policing and Government.

## 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.

## 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.

## 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 (Assembly Bills)

## Wales Audit Office

The Wales Audit Office 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.

## 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;
- ▶ The Chief Police Officers Staff Association – representing ranks above Assistant Chief Constable and equivalents; and
- ▶ Unison – representing most, but not all police staff (different arrangements apply in a few forces).

# 16 POLICE TRANSFORMATION AND REFORM

▶ This section sets out the background and current work being undertaken around the Police Reform Agenda.

## Policing Vision 2025

In November 2016, Police and Crime Commissioners and Chief Constables, along with staff associations and the College of Policing, developed and agreed a vision for the future of policing, known as the *Policing Vision 2025* ('the Vision'). The Vision set out the plan for policing over the next ten years. Its intention was to shape decisions around transformation and how we use our resources to help to keep people safe and provide an effective, accessible and value for money service that can be trusted.

The Vision identifies five reform strands and sets out the transformation that is needed and what the outcome should be. The five reform strands are:

- ▶ Business enablers: to deliver police business support functions in a more consistent manner to improve efficiency and enhance interoperability across the police service.
- ▶ Digital policing: to make it easier and more consistent for the public to make digital contact, improve our use of digital intelligence and evidence and ensure we can transfer all material in a digital format to the Criminal Justice System.
- ▶ Local policing: to align, and where appropriate integrate, with other local public services to improve outcomes for citizens and protect the vulnerable
- ▶ Specialist capabilities: to enhance our response to new and complex threats, we will develop our network and the way we deliver specialist capabilities by reinforcing and connecting policing locally, nationally and beyond, to better protect the public.
- ▶ Workforce: a service with a more representative workforce that will align the right skills, powers and experience to meet changing and challenging requirements.

## Police Reform and Transformation Board

In order to lead and support the service in delivering the Vision, police leaders came together and established the Police Reform and Transformation Board (PRTB) which met for the first time in February 2016. The PRTB brings together police leaders including PCCs, Chief Constables, the College of Policing, the NCA and the Home Office to help support delivery of the Vision and ensure that transformation is delivered in an effective and coherent way that meets the needs of the public. Underneath the PRTB sit five sub-boards which provide oversight and governance across the five reform strands contained in the Vision.

In 2018, the Home Affairs Select Committee, Public Accounts Committee, and the NAO published reports with a number of key recommendations for policing:

- ▶ House of Commons Home Affairs Committee: [\*Policing for the future\*](#)
- ▶ National Audit Office: [\*Financial sustainability of police forces in England and Wales 2018\*](#)
- ▶ House of Commons Committee of Public Accounts: [\*Financial sustainability of police forces in England and Wales\*](#)

## Police Transformation Fund

The Police Transformation Fund (PTF) began allocating funding in 2016 with the final year of funding allocated in respect of 2019/20. The last three years have seen funding of £175m per annum allocated to a series of national, regional and local programmes and projects that have supported a range of new digital programmes, a diverse and flexible workforce and new capabilities to respond to changing crimes and threats.

The PTF has supported a portfolio of around 100 projects, for example, the Digital Policing Portfolio (DPP) which has delivered the Single Online Home, a single online point of contact between the service and the public, and the Transforming Forensics Programme which has delivered the Forensics Capability Network, a small team providing forensic capability nationally. The National Enabling Programme is rolling out Office 365™ to all forces to improve information sharing and improving working practices and setting up a 24/7 cybersecurity centre, and the National Commercial Board is overseeing the delivery of significant savings from improved procurement and is proposing the setting up of a new Police Commercial Organisation.

## Recent developments

In August 2019 the new Home Secretary established a new National Policing Board comprised of senior leaders across policing. PCCs are represented through the Chair of the APCC. The new Board aims to 'set the long term strategic vision and direction across the law enforcement system'. The first key programme it is overseeing is the recruitment of 20,000 new police officers.

## More information

- ▶ [Policing Vision 2025](#) – this link also includes the public minutes for every meeting of the PRTB.

- ▶ [Police Transformation Fund](#) – this link has full details of PTF grants provided by financial year.

### **Lead APCC contacts for this section**

James Hughes

**E** [james.hughes@apccs.police.uk](mailto:james.hughes@apccs.police.uk)

Alex Campbell

**T** 07845 33771

**E** [alexandra.campbell@apccs.police.uk](mailto:alexandra.campbell@apccs.police.uk)

# 17 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.

## The role of the APCC

The APCC offers the following services to its members:

- ▶ providing information and briefings on the latest policing and criminal justice policy and legislation;
- ▶ supporting PCC in national policy development and influencing and engaging with government and officials;
- ▶ ensuring PCCs have a voice and visibility in the national media;
- ▶ consulting PCCs and ensuring their views and experiences feed into national debate;
- ▶ providing forums for PCCs to discuss policy, hear from specialists, engage with senior stakeholders and influence national decision-making;
- ▶ supporting PCC participation in national policing bodies and initiatives, including the NPB, College of Policing, the NCA and the PRTB;
- ▶ enabling PCCs to share good practice and to promote the best work they are doing locally on the national and international stage;
- ▶ helping PCCs achieve efficiencies through collaboration and to develop partnerships with other sectors, like health and local government;
- ▶ supporting PCCs in blue light collaboration developments and, for those who wish to, supporting them to take on and fulfil fire and rescue governance responsibilities; and
- ▶ providing support for PCCs to meet and work together with political party colleagues nationally by facilitating political groups.

In addition, the APCC has been funded by the Home Office to provide leadership on a multi-million pound programme of work to transform policing, including digital and technology, emergency service collaboration, developing specialist capabilities (e.g. forensic services) and looking at alternative models for national procurement to support PCCs local ambitions. This is set out in the *Policing Vision 2025*.

## 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 College of

Policing 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 coordinated 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](#).

## Who are the members of APCC?

All 40 PCCs are members of the APCC, as are the City of London Police Authority, MOPAC, the Greater Manchester Combined Authority (GMCA) and the Jersey Police Authority. Some PCCs hold statutory responsibility for fire and rescue governance (PFCCs).

## APCC governance

The APCC is a company limited by guarantee. It is governed by a Board of Directors, which is composed of PCCs from each political group (Conservative, Labour and Independent) – you can find out more about our current Board members [here](#). 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 [here](#). 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 in our [portfolio area](#). 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 disseminate important documents and information. Access is only granted to PCCs and the staff they nominate. In addition, the APCC maintains a [public-facing website](#).

### **Lead APCC contact for this section**

Susannah Hancock, Chief Executive

**T** 020 7222 4157

**M** 07860 9126001

**E** [susannah.hancock@apccs.police.uk](mailto:susannah.hancock@apccs.police.uk)



020 7222 4296  
[enquiries@apccs.police.uk](mailto:enquiries@apccs.police.uk)  
**[www.apccs.police.uk](http://www.apccs.police.uk)**

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