



Association of
Police and Crime
Commissioners



WHAT YOU NEED TO KNOW AS A **PCC**

The **APCC guide** for you and your office

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Throughout this guide, acronyms are explained and external references are linked at their first mention only.

FOREWORD



As Chief Executive of the Association of Police and Crime Commissioners (APCC) I would like to welcome you all, as new Police and Crime Commissioners (PCCs), Police, Fire and Crime Commissioners (PFCCs) and Deputy Mayors for Policing, to your new roles. It is great to have you on board. I am really looking forward to meeting you in person and working with you in the months and years ahead. And an equally a warm welcome back to all returning PCCs. Many congratulations on your election.

The APCC works as a membership association for all of you: supporting you to engage

with each other, and with a wide range of national stakeholders and partners, including Ministers, the Home Office, the Ministry of Justice (MoJ), the National Police Chiefs Council (NPCC) and more widely. It is your voice that we advocate nationally. The APCC exists to help you as PCCs make the most of your influence at a national level and to deliver on your own manifesto and Police and Crime Plan commitments. We are all about helping you to deliver the safer communities and reductions in crime that we know you are passionate about

This PCC induction guide is a part of this work. It will sit alongside a wider induction programme – some on-line and some virtual, that we will be offering to all new PCCs to help them get to grips with their new role in their first few months in post. Whilst this guide is primarily intended as a briefing for new PCCs, we know that the PCC role is changing year on year, with new legislation, new powers and responsibilities, and new expectations from the public. We hope that this comprehensive guide will also form a useful knowledge resource for all PCCs and their offices and is something that we can continue to add to and build on over time.

The guide provides a valuable reference tool giving information, insight and tips on your statutory responsibilities, the key partners you will be working with, the national police and crime landscape, the setting up of your office, the potential areas of

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development of the role including fire and rescue governance, plus knowledge gathered from a wide variety of experienced PCCs, stakeholders and the APCC team that we hope you will find useful in your early days in office and beyond.

We hope this document will not just be an introduction, but also a useful and ongoing reference resource for the duration of your time in office. This is a really exciting time to be working in policing and criminal justice. Whilst there are real challenges, there are many more opportunities that we can realise together. The APCC team and I stand ready to support and assist in any way we can during your time in office. We wish you all the best of luck and look forward to working with you.

Susannah Hancock
APCC Chief Executive

E susannah.hancock@apccs.police.uk



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A THE ROLE OF THE ASSOCIATION OF POLICE AND CRIME COMMISSIONERS

YOUR BITESIZE BRIEFING

The APCC is the national membership organisation for PCCs and equivalents, providing a national voice into government and other national bodies, enabling PCCs to work together and share good practice and supporting them and their offices to implement policy locally.

It is led by a Chair, two Vice Chairs and four other Board members drawn from and elected by the organisation's membership, with PCCs providing national leadership on thematic areas of work as portfolio leads and deputy leads.

It plays an important national role, because it is by coming together that PCCs are best able to influence change and shape national policy. A national body enables PCCs to maximise their ability to influence at a national level and deliver on their Police and Crime Plans locally.

What does the APCC do?

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

Its role includes:

- ▶ supporting PCCs to play a lead role in the development of national, regional/Welsh and local policy and strategy on crime reduction;
- ▶ enabling PCCs to play a full and active role in the national leadership and governance of policing including through the National Policing Board (NPB), and working with other key policing organisations such as the NPCC, the National Crime Agency (NCA) and the College of Policing (CoP), as well as in the development of regional structures to tackle crime like Regional Organised Crime Units (ROCs);
- ▶ working with PCCs to shape and influence national policy and strategy in key areas such as reducing crime, workforce development, digital and technology, police finances and resourcing, serious and organised crime (SOC) and specialist capabilities, criminal justice improvements, support for victims, crime prevention and local partnership working;

- ▶ championing local decision making and the role of PCCs in ensuring that police and criminal justice services address local priorities and are accountable to the communities that they serve;
- ▶ supporting PCCs to take the lead in transforming policing through digital, technology and enabling services – including establishing and developing national ICT and commercial capabilities such as the Police ICT Company and BlueLight Commercial;
- ▶ creating opportunities for PCCs to come together to share good practice and learning, tap into research and evidence, draw on expertise, and to develop shared positions and approaches where this can deliver improved outcomes for the communities that they serve;
- ▶ supporting PCCs to work within and across their political groups to develop policy positions and influence government;
- ▶ supporting PCCs to work with key national partners outside of policing – e.g. the Local Government Association (LGA), Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS), Public Health England, Public Health Wales, and the Welsh Government;
- ▶ advising PCCs on their statutory role and governance responsibilities (e.g. transparency and dealing with complaints and performance);
- ▶ supporting the Offices of PCCs (OPCCs) to engage with national policy and strategy and to share good practice and learning, working with the Association of Policing and Crime Chief Executives (APAC2E) and the Police and Crime Commissioners Treasurers' Society (PACCTS); and
- ▶ supporting those PCCs who seek to take on responsibility for governance of fire and rescue services (FRSs).

How does the APCC work?

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

Why is a national body needed?

It is by coming together that PCCs are best able to influence change. A national body enables PCCs to maximise their ability to influence at a national level and deliver on their Police and Crime Plans. PCCs have an important contribution to make to how national policing services are governed, such as the NCA, the CoP

etc, and to shaping proposed government reforms in which they can plan a role, for instance in relation to probation. By sharing best practice and identifying opportunities to work together, or commissioning some services jointly, the APCC helps PCCs be more efficient and effective. If PCCs identify barriers to delivering national or local plans, the APCC takes co-ordinated action that can help remove barriers at a national level.

Where can I find recent examples of the APCC's work?

Some examples of how the APCC works and how it delivers with and for its members can be found in our latest [APCC Impact Report 2019/20](#) and in our PCCs Making a Difference: 'In Focus' reports at www.apccs.police.uk/campaigns/.

Who are the members of the APCC?

All 40 PCCs are members of the APCC, as are the City of London Police Authority, the Mayor's Office for Policing and Crime (MOPAC) for the Greater London Authority, the Mayor of the Greater Manchester Combined Authority, the Ministry of Defence Police Authority and the Jersey Police Authority.

How is the APCC governed?

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

How are services provided by the APCC?

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

The APCC works through portfolio groups which lead work on the key issues for PCCs. The full list of portfolio areas, leads and deputy leads is available on our website. The APCC is currently reviewing its portfolio approach.

How does the APCC bring 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.

Where can I find out more information?

You can find out more about the role of the APCC and the APCC's priorities, plans and approach to delivery to 2022 in the [APCC Business Plan 2020-22](#) and on the [APCC website](#).

In addition, the APCC operates its own internal web-based system, which is used to communicate with PCCs and their staff, to organise meetings and to disperse important documents and information. Access is only granted to PCCs and the staff they nominate.

You can find out more about the APCC's national policy work on the [Our work](#) area of the APCC website, which has webpages devoted to:

- ▶ developing the workforce;
- ▶ building our resources and infrastructure;
- ▶ developing police capabilities and tackling organised crime;
- ▶ improving public accountability;
- ▶ improving our criminal justice system (CJS), supporting victims and giving them a voice;
- ▶ preventing crime and building partnership;
- ▶ preventing serious violence; and
- ▶ championing equality and diversity in policing and criminal justice.

These webpages include details of all APCC policy portfolios, including contacts in the APCC Secretariat team.

B HOW PCCS HAVE MADE A DIFFERENCE

YOUR BITESIZE BRIEFING

To help explain the role of a PCC and how the public can have a voice in local policing through their elected PCC, PFCC or Mayor, the APCC has produced the following:

- ▶ an animated video: 'You Have a Voice'; and
- ▶ an infographic: 'What does your Police and Crime Commissioner do for you?'.

To view the video and infographic, please visit www.apccs.police.uk/role-of-the-pcc/.

PCCs Making a Difference: 'In Focus' reports

The APCC has produced nine 'In Focus' reports, under the campaign strapline 'PCCs Making A Difference', to demonstrate the innovative work of PCCs across England and Wales, particularly their work with partner organisations to support victims of crime and to reduce reoffending in their communities.

The 'In Focus' reports are high-level digital documents which provide a snapshot of the variety of work that PCCs are involved in. They include a foreword from the appropriate APCC national lead for the subject, alongside a Minister's foreword.

The nine 'In Focus' PDF reports can be viewed and/or downloaded from the APCC website at www.apccs.police.uk/campaigns/pccs-making-a-difference and this page also has an animation video which includes highlights from all nine 'In Focus' reports.

The 'In Focus' reports

- ▶ [*Reducing Reoffending In Focus*](#) demonstrates how PCCs are ending the revolving door of crime by ensuring offenders who want to turn their lives around and stay out of prison get the help and support they need to do so.
- ▶ [*Race Disparity In Focus*](#) showcases how PCCs are tackling disparities faced by Black, Asian and Minority Ethnic (BAME) people in their communities.
- ▶ [*Violence Reduction Units \(VRUs\) In Focus*](#) was produced in collaboration with the Home Office and demonstrates how 18 VRUs are tackling crime and making communities safer by providing a multi-agency health approach.
- ▶ [*Protecting the Vulnerable During the COVID-19 Crisis In Focus*](#) provides examples on how PCCs responded quickly to the anticipated impact of the virus, recognising the significant impact on victims who may be trapped indoors with perpetrators.

- ▶ [*Alcohol and Drugs In Focus*](#) demonstrates how PCCs are working with partner organisations to address underlying problems such as alcohol and drug dependency to prevent crime and so break the cycle of reoffending.
- ▶ [*Prevention In Focus*](#) shows the commitment and drive of PCCs in investing in early intervention and prevention services in their local communities to address the root causes of crime, and explores how they are working with partners across not just policing but health, social care, local authorities, and the third sector.
- ▶ [*Putting Victims First In Focus*](#) is a snapshot of the groundbreaking work that PCCs are engaged in with partners to bring about real change in the ways in which victims of crime are helped and supported in our communities, putting victims at the heart of the CJS.
- ▶ [*Serious Violence In Focus*](#) shows the innovative work that PCCs are engaged in with partners to tackle serious violence across England and Wales. Examples include one-to-one mentoring; youth diversion schemes and projects with schools, ex-offenders and Premier League football clubs.
- ▶ [*VAWG In Focus*](#) shows how PCCs are bringing about real change in the ways in which violence against women and girls (VAWG) is addressed in their local communities.

APCC Bulletins

The APCC produces a monthly stakeholder bulletin, which includes news and opinion from PCCs as well APCC updates. To view the APCC Bulletins, visit www.apccs.police.uk/public/apcc-bulletins.

APCC news

The APCC news section at www.apccs.police.uk/latest-news/ provides press releases and statements from the APCC Chair and PCCs who lead on APCC national portfolios.

C WHAT NEXT FOR THE PCC ROLE

YOUR BITESIZE BRIEFING

The PCC role continues to evolve, including through three key strands of national policy:

- ▶ the Home Office PCC Review is considering all aspects of the PCC role, including fire governance and the CJS. The first phase has been completed, with the second phase due to commence following the May elections;
- ▶ the outcomes of Part One of the PCC Review were announced by the Home Secretary in a [Written Ministerial Statement on 16 March 2021](#), and the APCC is working closely with key partners including the NPCC, the CoP and Home Office to implement the recommendations;
- ▶ the Government has worked closely with PCCs to improve the efficiency and effectiveness of the CJS, with a Royal Commission planned and some significant work taken forward as part of national CJS recovery planning as we emerge from the COVID-19 pandemic (e.g. on local action to tackle court backlogs). The PCC role in the CJS will also be considered by Part Two of the PCC Review; and
- ▶ the Government is developing policy on local government reform which could see devolution of PCC responsibilities to elected Mayors in more areas of the country.

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

PCC Review

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

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

Part One

Background

The consultation on Part One of the PCC Review was conducted in summer 2020 with the conclusions announced in March 2021.

The focus was on recommendations that could be implemented in the shorter term.

Outcomes

The outcomes of Part One of the PCC Review were announced by the Home Secretary in a Written Ministerial Statement on 16 March 2021. The APCC is now working closely with key partners including the NPCC, the CoP and the Home Office to implement the recommendations.

The key conclusions are summarised below.

Sharpening local accountability:

- ▶ A commitment to introduce 'first past the post' for PCC elections from 2024.
- ▶ The Home Office will amend the Specified Information Order to require PCCs to provide a narrative of force performance against government crime measures and HMICFRS performance reports.

PCC relationships with Chief Constables:

- ▶ The Home Office will work with the APCC, the NPCC and the CoP to build on the existing *Accountability Guidance* document to promote and embed a positive relationship between PCCs and Chief Constables.
- ▶ The Home Office will amend S38 of the *Police Reform and Social Responsibility Act 2011* to make the Chief Constable dismissal process more rigorous and transparent, and work with the APCC, the NPCC and the CoP to develop a framework for the use of independent mediation.
- ▶ The Home Office will work with HMICFRS on the recommendations from the report *Leading Lights: An inspection of the police service's arrangements for the selection and development of chief officers*, including to develop a role for the CoP in senior recruitment processes.
- ▶ The Home Office will work with the LGA to develop good governance training for Police and Crime Panels (PCPs).

Ensuring all PCCs adopt best practice:

- ▶ The APCC and the CoP to build on the policing 'Knowledge Hub'.
- ▶ The Home Office will work with the APCC to produce comprehensive non-statutory guidance on the PCC role.
- ▶ The APCC to deliver an induction programme for new PCCs post May 2021.
- ▶ The Home Office will bring forward legislation to mandate PCCs to appoint a Deputy PCC.

Fire governance:

- ▶ The Home Office will launch a consultative White Paper on fire reform in 2021, including consulting on whether to

mandate transfer of FRS functions to PFCCs in England where boundaries are coterminous, unless there is an option to transfer directly to an elected Mayor.

Mayoral devolution:

- ▶ The Home Office will work with the Ministry of Housing, Communities & Local Government (MHCLG) to develop a Devolution and Local Recovery White Paper to remove barriers to Mayors in combined authorities taking on public safety functions and the PCC role.

Part Two

Part Two of the PCC Review will consider the case for long-term reforms that require legislative changes, including a review of the PCC role in the CJS and in mayoral devolution (see below for more information on both). In Part Two, the Home Office has also said it will:

- ▶ consult on giving a General Power of Competence to all PCCs, to potentially help PCCs with the role they play in the wider crime and criminal justice landscape; and
- ▶ consider the role of the Independent Office of Police Complaints (IOPC) with respect to their handling of complaints made about the conduct of PCCs and their deputies.

Criminal justice reform

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

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

At the time of writing, plans for a Royal Commission have been slow to progress. Instead, the work to reform the CJS is being developed at pace as part of national CJS recovery planning for the COVID-19 pandemic, as part of a major programme of work co-ordinated by the MoJ and involving national CJS partners – including the APCC, as well as the NPCC, Prisons, Probation, the Crown Prosecution Service (CPS) and Her Majesty’s Courts & Tribunals Service (HMCTS). This is being developed through

the National Criminal Justice Board (NCJB), which is chaired by the Home Secretary, and informed by LCJBs.

As noted above, Part Two of the Government’s PCC Review will also have a focus on the PCC role in the CJS.

Local government reform in England

The Government is also developing a White Paper on reforming the local government system to put in place more Mayors and devolve greater responsibilities to them, as confirmed with the announcement of the outcomes from Part One of the PCC Review. One of the responsibilities that may be devolved are those of the PCC (as is currently the case in London and Manchester).

Broadly, there are two models of devolution of PCC powers to Mayors: in one the corporation sole model under which PCCs are constituted is retained within the Mayor’s Office (as is the case in London), and in the other the corporation sole powers pass to a combined authority, but with decision making reserved to the Mayor’s Office (as is the case in Manchester). The key arguments that PCCs put forward in the response to Part One of the PCC Review, was that the Government should legislate to enable the PCC corporate sole structure to be passported direct to the Mayor (as in London), that mayoral constructs should be coterminous with PCC areas, and that PCCs must be consulted locally on any mayoral proposals (which is not currently required).

For more information

The Government’s announcement of the PCC Review can be found at questions-statements.parliament.uk/written-statements/detail/2020-07-22/HCWS416.

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A STATUTORY RESPONSIBILITIES

YOUR BITESIZE BRIEFING

The key duties of PCCs are mainly set out in three Acts:

- ▶ the *Police Reform and Social Responsibility Act 2011*;
- ▶ the *Police Act 1996* as amended; and
- ▶ the *Policing and Crime Act 2017*.

The main responsibilities of PCCs are to:

- ▶ secure the maintenance of an efficient and effective force;
- ▶ hold the Chief Constable to account;
- ▶ hold the police fund and other grants from central and local government;
- ▶ set the local policing precept; and
- ▶ issue a Police and Crime Plan.

PCCs have powers to bring together local partners; commission services and make grants; take on responsibility for emergency service collaboration and FRSs (England only).

Other statutory responsibilities and powers include the appointment, suspension or removal of Chief Constables and a requirement to be consulted by the chief officer on the appointment of Deputy and Assistant Chief Constables.

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

- ▶ secure an efficient and effective police service, and hold the Chief Constable to account for the police functions;
- ▶ commission victims and crime reduction services;
- ▶ issue a Police and Crime Plan and set the budget for the police and commissioned services; and
- ▶ where agreed, take on responsibility for FRSs.

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 PCCs duties and powers.

The key duties of PCCs are mainly set out in three Acts: the *Police Reform and Social Responsibility Act 2011* (PRSRA), the *Police*

Act 1996 (PA) as amended, and the *Policing and Crime Act 2017* (P&CA). The first of these established PCCs and set out their main functions; the second set out many of the duties which were transferred to PCCs from predecessor organisations; and the third set out some important new powers conferred on PCCs at that time.

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 must:

- ▶ secure the maintenance of an efficient and effective police force for the area [PRSRA, S1(6)];
- ▶ hold the relevant Chief Constable to account for the exercise of the Chief Constable's functions and those under the direction and control of the Chief Constable [PRSRA, S1(7)];
- ▶ 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, which includes a duty to consult local ratepayers. NB: the Police and Crime Panel (PCP) has powers of veto over the precept (see section **7C POLICE (FIRE) AND CRIME PANELS**) [PRSRA, Ss21-27; Schedule 5; and *Local Government and Finance Act 1992*, Ss39-43]; and
- ▶ issue a Police and Crime Plan as soon as possible covering the PCC's full term of office, which may be revised at any time. [PRSRA, S5 and Ss7-8].

The PCC has powers to:

- ▶ bring together community safety and criminal justice partners, with mutual duties to co-operate and formulate and implement strategies across the police area [PRSRA, S10 and S88; and Schedule 11];
- ▶ commission services and make grants, primarily aimed to tackle crime reduction/prevention, and support victims and vulnerable people, or those affected by crime [PRSRA, S9; and *Anti-social Behaviour, Crime and Policing Act 2014*, S143]; and
- ▶ take on responsibility for the emergency services collaboration and for the FRS (or play a role in local authority fire governance). This does not apply to PCCs in Wales (see section **6C THE ROLE OF PCCS IN WALES**). The PCC also has strengthened powers in dealing with police complaints [P&CA, Ss6-8 and Ss13-24].

Other statutory responsibilities

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 Panel

PCPs are made up of local councillors and some independent members. They were put in place to scrutinise and support the work of their local PCC and can require the PCC to appear before the PCP to answer their questions. For more information, see section **7C POLICE (FIRE) AND CRIME PANELS**. [PRsRA, S28; and Schedule 6]

Police and Crime Plans

In addition to the duty to issue a Police and Crime Plan, in developing the plan, the PCC must have regard to the Strategic Policing Requirement (SPR) set by the Home Secretary, and must consult the Chief Constable and have regard to the PCP in making or revising the plan. The plan must set out the PCC's 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. Both the PCC and the chief police officer must have regard to the plan. [PRsRA, S5 and Ss7-8]

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 include obtaining the views of rate payers). The PCC must publish information about their performance and that of the chief officer, as well as the material required by the Specified Information Order. 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, Ss11-14; and Schedule 11]

Chief officer appointments

The PCC may appoint, suspend or remove the chief police officer (for more information, see section **2F WORKING WITH YOUR CHIEF CONSTABLE**) and must be consulted by the chief officer on the appointment of Deputy and Assistant Chief Constables. The PCP has a limited power of veto over the appointment of the chief officer. The PCC must appoint to the Office of the PCC (OPCC) a Chief Executive and a Chief Finance Officer (CFO) (who must be separate people) and may appoint a Deputy PCC. For more information, see section **4A OPCC AND STAFFING ARRANGEMENTS**. 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, Ss38-40; Schedule 8, S5; Schedule 1, Ss 6-12; and Schedule 15, Ss6-7]

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 FRS functions; and
- ▶ enable the Mayor of London to take on direct responsibility for the FRSs in London. [P&CA, Ss6-8]

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. PCCs are also responsible for handling the reviews (i.e. appeals against the outcome) of less serious misconduct cases (the IOPC handles the more serious cases). The PCC can put in place additional steps to handle initial contact with the public about complaints and also steps to keep complainants informed about progress throughout the process, but, alternatively, the PCC can leave these functions with the force and retain oversight of force handling. [P&CA Ss13-24; 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 Panel must refer it to the 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 [PA, S46-48 (as amended); PRsRA, S22, Ss24-25 and S27];
- ▶ sets the precept limitations for PCCs (responsibility for precept in Wales comes under the Welsh Government – for more information, see section **6C THE ROLE OF PCCS IN WALES** [*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; [PA, Ss40-41];
- ▶ has general powers to direct, or make orders about contracts, collaboration agreements, and equipment [PA, S23 and S53]; and

- ▶ sets the SPR, to which PCCs and chief police officers must have regard [PRsRA, S77; and PA, S37A].

The above list 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 Management Code of Practice for the Police Service of England And Wales* 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 – for more information, see section **7B PROVIDING INFORMATION 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*].
- ▶ In addition to the general duty to hold chiefs to account, PCCs must hold the Chief Constable to account for some specific functions, including the exercise of duties relating to equality and diversity [PRsRA, S1 (8g)].
- ▶ PCCs must make arrangements for custody visiting to police cells in their area by independent custody visitors [*Police Reform Act 2002, S51*].

Various other Acts also apply to the PCC; for instance, the *Equality Act 2010*, the *Freedom of Information Act 2000*, the *Data Protection Act 2018* etc.

PCC ethical requirements

- ▶ PCCs are bound by *The Seven Principles of Public Life* (the 'Nolan Principles') which apply to all holders of public office.
- ▶ PCCs must also take an oath of impartiality (*The Police and Crime Commissioner Elections (Declaration of Acceptance of Office) Order 2012*) setting out key requirements about how they should behave in their role as a PCC.
- ▶ The Specified Information Order also contains requirements for PCCs to keep a register of their interests and to produce a statement of the policy of the PCC in relation to the conduct of the PCC and DPCC – the APCC has produced an ethical framework to assist with this (*PCC Ethical Good Practice Framework*) although some PCCs have adopted the CoP's *Code of Ethics*.

- ▶ PCCs are subject to the Equality and Human Rights Commission (EHRC) *Public Sector Equality Duty* (PSED). In the exercise of their functions, PCCs must have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity, and foster good relations between people who share a protected characteristic and those who do not.

B THE POLICING PROTOCOL

YOUR BITESIZE BRIEFING

The *Policing Protocol Order 2011* ('the Policing Protocol') applies to all PCCs and their equivalents and provides a framework for relationships between PCCs, Chief Constables and PCPs and is concerned with the respective responsibilities of and relationships between PCCs and their equivalents, Chief Constables, PCPs and the Home Secretary.

The Policing Protocol also deals with operational independence, reinforcing that the operational independence of the police is a fundamental principle of British policing, as well as covering other key points about accountability, allocation of budgets and financial management, and provisions for reviewing or varying the Policing Protocol.

Following Part One of the PCC Review, the Home Office announced that it will consult on potential changes to the Policing Protocol to provide greater clarity on the boundaries of operational independence and changes in the relationship between the parties to the Policing Protocol which have taken place over time.

the operational delivery of policing including in relation to the SPR published by the Home Secretary. It makes the following general points:

- ▶ The 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 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 this 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 to support the PCC in their functions and maintain a regular check and balance on the performance of the PCC in that context.

Following Part One of the PCC Review, the Home Office announced that it will consult on potential changes to the Policing Protocol to provide greater clarity on the boundaries of operational independence and reflect changes in the relationship between the parties to the Policing Protocol which have taken place over time.

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. The Policing Protocol states that:

- ▶ the establishment and maintenance of effective working relationships by all parties is fundamental. The principles of goodwill, professionalism, openness and trust should underpin the relationship between all parties, who will do their utmost to make the relationship work;
- ▶ 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'). CIPFA's *International Framework: Good Governance in the Public Sector* sets out how these principles apply in the public sector; and
- ▶ the *Police Reform and Social Responsibility Act 2011* ('the Act') gives PCCs responsibility for the **totality of policing** within their force area (although this does not confer on PCCs the ability to give operational directions – see below). The Act requires them to hold the force Chief Constable to account for

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, 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 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, e.g. community safety and criminal justice.

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 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. The Chief Constable, their constables and staff, are operationally independent.
- ▶ 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 Panel 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. It has:

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

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

accountability of the Chief Constable remains firmly to the PCC and not to the PCP.

The Home Secretary

The Protocol states that the establishment of PCCs enabled the Home Office to withdraw from day-to-day policing matters, at the time the legislation was passed, giving the police greater freedom to fight crime as they see fit, and allowing local communities to hold the police to account. However, the current government has expressed a desire to 'lean in' more on policing – see section **6A THE NATIONAL GOVERNANCE LANDSCAPE**. In any event, the Home Secretary retains a number of legal powers, which are set out in the protocol, including:

- ▶ The Home Secretary is ultimately accountable to Parliament and charged with ensuring the maintenance of the Queen's Peace within all force areas, safeguarding the public and protecting our national borders and security. The Home Secretary has reserved powers and legislative tools that enable intervention and direction to all parties, but such powers and tools will be used only as a last resort. They will not be used to interfere with the democratic will of the electorate within a force area, nor seek to interfere with the office of constable, unless the Home Secretary is satisfied on the advice of Her Majesty's Inspectorate of Constabulary (HMIC) that not to do so would result in a police force failing or national security being compromised.
- ▶ The Home Secretary retains the legal accountability for national security and the role that the police service plays within the delivery of any national response. The Home Secretary has a duty to issue a SPR that sets out what are, in his or her view, the national threats at the time and the appropriate national policing capabilities that are required to counter them.

Operational matters

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

It states that the professional discretion of the police service and oath of office give surety to the public that operational independence will not be compromised, and that police officers and police staff are under the direction and control of the Chief Constable. It includes an illustrative list of what direction and control includes – for instance, the ability to issue a warrant to an attested officer, discretion to investigate crimes, and decisions taken to balance competing operational needs.

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 holding to account for the operational delivery of the police service.

Other matters

The Policing Protocol lists a number of other points about accountability, allocation of budgets and financial management, and provisions for reviewing or varying the Policing Protocol. However, as a result of the PCC Review, the Home Office may decide to revise the Policing Protocol over the coming months.

C HOLDING TO ACCOUNT

YOUR BITESIZE BRIEFING

The PCC holds the Chief Constable to account for the performance of the force and with respect to specific functions and duties, including ensuring that the Chief Constable has due regard to the Police and Crime Plan and the SPR.

It is for the PCC to determine what mechanisms to use in discharging this duty, including both public and private accountability meetings, formal reports and informal meetings etc.

Police and Crime Plans must include details of how the Chief Constable will report to a PCC on his/ her delivery of effective and efficient policing in the force area and how performance will be measured.

This section sets out:

- ▶ the PCC's statutory responsibility to hold the Chief Constable to account;
- ▶ the accountability mechanisms the PCC could put in place; and
- ▶ the means by which the Chief Constable's performance could be measured.

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 also touched on in the Policing Protocol (see section **2B THE POLICING PROTOCOL**) which notes that the Chief Constable has operational independence, but is accountable to the PCC for the delivery of policing services.
- ▶ A PCC holds the Chief Constable to account for the performance of the force within their force area (see section **2B THE POLICING PROTOCOL**) and specific functions and duties (see the *Police Reform and Social Responsibility Act 2011*, S1(8)), which include:
 - ▶ the exercise of the Chief Constable's duty to have regard to the PCP and to the SPR;
 - ▶ the exercise of the Chief Constable's duty to have regard to codes of practice issued by the Secretary of State;
 - ▶ the exercise of the Chief Constable's functions in relation to the handling of complaints;

- ▶ the effectiveness and efficiency of the Chief Constable's arrangements for collaboration;
- ▶ the effectiveness and efficiency of the Chief Constable's arrangements to engage with local people;
- ▶ the extent to which the Chief Constable has complied with Value for Money (VfM) requirements;
- ▶ the exercise of the Chief Constable's duties relating to equality and diversity imposed by any enactment; and
- ▶ the exercise of the Chief Constable's duties in relation to the safeguarding of children and the promotion of child welfare.

As mentioned, the PCC holds the Chief Constable to account for delivery against the PCP (see section **2E POLICE (FIRE) AND CRIME PLANS**). It is therefore important that the PCP is set out in such a way that the PCC's 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 PCP (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 –e.g. 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. APAC2E has produced a more detailed *Holding to Account* toolkit for OPCCs in this area.

Performance

It is a statutory requirement that PCPs should include details of the means by which the Chief Constable will report to a PCC on his/her provision of policing and the means by which

the Chief Constable's performance in providing policing will be measured.

Some PCCs have set outcomes, ambitions or targets for their police force. A review into the use of targets commissioned by the then Home Secretary in 2014 concluded that PCCs should consider the potential negative impact of setting numerical targets in their PCPs (which may 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 it uses the Crime Survey for England and Wales (although it still uses police statistics for some thematic reports).

Most PCCs monitor and report on force performance against outcome focused measures, so that they can determine progress against their PCP. Most PCCs have a member of staff who can provide performance advice, and most will have access to national and local databases of management information.

In addition, HMICFRS have 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 and inform future planning based on policing need.

HMICFRS also conducts regular inspections in forces, which provide 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.

D POLICE FINANCE: THE LOCAL CORPORATE AND FINANCIAL PROCESS

YOUR BITESIZE BRIEFING

While the timetable may vary, normally a PCC will present their draft budget and local precept proposal to the Police and Crime Panel in and around January or early February each year. There then follows a process of precept scrutiny before the publication of a finalised budget and commissioning plans in late February or March.

The PCC and Chief Constable are required to prepare separate Statements of Account, with the PCC required to prepare a set of group accounts covering both the PCC and the force.

The PCC's primary financial relationship will be with the PCC CFO (or 'the Treasurer'), and all PCCs are required to appoint a CFO.

PCCs operate within the overall framework of the *Police Reform and Social Responsibility Act 2011*, the national Policing Protocol, and the SPR. Financial management operates within a framework established initially by national guidance and then customised for local circumstances.

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

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

What is the annual timetable for the local corporate and financial processes for a typical PCC?

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

April

Consultation with community and partners on current year programmes.

May

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

June

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

July

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

August/September

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

September/October

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

November

Chief Constable's budget bid received and scrutinised.

December

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

December/January

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

January

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

February

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

March

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

What statement of accounts does the PCC have to prepare?

Under the *Police Reform and Social Responsibility Act 2011* ('the Act'), both the PCC and the Chief Constable are required to prepare separate Statements of Account. In addition, the PCC is required to prepare a set of group accounts covering both the PCC and the force. The dates that the accounts must be prepared by and the audit completed are set in legislation.

Who supports the PCC to fulfil their financial responsibilities?

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

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

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

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

How are the finances of the PCC managed?

PCCs operate within the overall framework of the Act, the national Policing Protocol, and the SPR. Financial management will in turn operate within a framework established initially by national

guidance, and then customised for local circumstances. More information can be found from the following sources:

- ▶ The Home Office *Revised Financial Management Code of Practice* (setting out the roles and relationships between the PCC, Chief Constable and the two CFOs).
- ▶ The new CIPFA *Financial Management Code*, which is due to be implemented on 1 April 2021.
- ▶ Financial regulations (governing day-to-day financial management and controls, including authorisation to spend money, enter into contracts, and to transfer funds within the budgets (virement)).
- ▶ Local schemes of consent (providing for specific decisions and responsibilities to be undertaken on behalf of the PCC).
- ▶ PCP Regulations, outlining the process and timetable for setting the precept.
- ▶ CIPFA guidance on the roles of the two CFOs. Note that CIPFA has a quasi-regulatory role in relation to financial governance and audit standards.
- ▶ The CIPFA/SOLACE (Society of Local Authority Chief Executives) *Delivering Good Governance in Local Government: Framework* (the PCC is required to carry out an annual review of governance and prepare an Annual Governance Statement). A separate framework and guidance has been drawn up for police.
- ▶ Treasury Management Strategy (management of cash balances and borrowings; guidance issued by CIPFA), investment strategy, capital strategy and reserves strategy.
- ▶ Prudential Code plus Welsh Government legislation as applicable (*The Prudential Code for Capital Finance in Local Authorities* (2017 edition)).
- ▶ Risk Management Strategies (guidance produced by the 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 and previous year outturn);
- ▶ police objective expenditure analysis (prepared by CIPFA);
- ▶ APCC circulars;
- ▶ PaCCTS publications (annual surveys on budget and precept options, reserves and one-off consultations);

- ▶ Somerset County Council (PCC CFOs have a contract with the council to supply regular technical updates and analysis on grants and other police financial matters);
- ▶ HMICFRS/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, NPCC and Her Majesty's Revenue & Customs (HMRC)).

What is good governance?

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

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

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

An Audit Committee must be in place to deal with audit and related matters for both the PCC and the Chief Constable. The *Revised Financial Management Code of Practice* recommends that a joint arrangement should be established.

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

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

E POLICE (FIRE) AND CRIME PLANS

YOUR BITESIZE BRIEFING

PCCs must publish a Police and Crime Plan which will determine, direct and explain their priorities for their local area during their period of office. The plan must be issued as soon as possible following their election and no later than the end of the financial year within which they were elected.

There is flexibility in how PCCs develop and present their plans with opportunities to revisit and revise them to take account of new opportunities, threats etc.

PCCs must consult with their Chief Constable, local people and victims of crime in preparing the plan, and should seek views from those who may have different experiences of policing and the criminal justice system and also have due regard to their responsibilities under the *Equality Act 2010*.

PFCCs must also produce a Fire and Rescue Plan which may be combined with their Police and Crime Plan.

This section provides a high-level overview for PCCs and OPCCs on producing robust and effective Police and Crime Plans.

What is a Police and Crime Plan?

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

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

What should a Police and Crime Plan include?

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

- ▶ the PCC's police and crime objectives for the area;
- ▶ the policing of the police area which the Chief Constable is to provide;

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

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

It is important not to make PCP commitments on areas that are the operational responsibility of the Chief Constable – examples might include promises to increase the number of arrests on certain crime types or to ban the police from using certain legal police tactics. These are operational and not within the remit of the PCC.

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

- ▶ the elected manifesto which sets out the PCC's pledge to the people and communities they serve;
- ▶ the SPR – it is a **statutory requirement** to include this in the Police and Crime Plan. The SPR is issued by the Secretary of State periodically, and sets out current national threats (e.g. terrorism, civil emergencies, threats to public order, SOC, large-scale cyber incidents, child sexual exploitation (CSE) etc) and the national policing capabilities required to counter them. A revised SPR is expected to be published in May/June 2021. PCCs must have regard to the SPR and must refer to how they are adhering to the SPR in their plan;
- ▶ 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.

The plan will cover a range of activities designed to prevent and reduce crime and anti-social behaviour and its impact on

victims and witnesses, improve community safety and enhance the effectiveness of local services. As such, stakeholders will be impacted by the plan in different ways and have different needs and expectations.

The objectives of the plan will set out what the Commissioner expects to be achieved, and by when, along with the resources that are available to do this.

When should the 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.

Drafting, issuing and reviewing the plan

PCCs have the flexibility to develop their Police and Crime Plans in a style that suits the needs of the local area. Typically, these plans will be concise high-level strategic documents underpinned by more detailed action and delivery plans. Other approaches may involve more detailed and specific plans which contain tighter Service Level Agreement-style commitments and conditions.

Consulting

In developing their Police and Crime Plan, PCCs have a statutory duty to consult the following:

The Chief Constable

As a critical stakeholder, the PCC has a duty to consult the Chief Constable in preparing the draft plan before issuing or varying the draft, following review by the Police and Crime Panel.

Local people and victims of crime

The PCC has a duty to make arrangements to obtain the views of local people and victims of crime on matters concerning policing in the area (in accordance with Section 96 of the *Police Act 1996* as amended) and obtain the views of local people and victims of crime on the plan itself (S96(1A) of the *Police Act 1996*). Consideration should be given to those that may experience disparities in service outcomes or their experience of crime and policing – e.g. this could be young people, residents from BAME

backgrounds and communities where aspects of service delivery are likely to be more concentrated.

Public Sector Equality Duty

Under the PSED 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 plan.

Police, Fire and Crime Commissioners

The *Policing and Crime Act 2017* reformed the local governance of FRSs by enabling mayors and PCCs to take on responsibility for their FRS where a local case is made. This applies to England; in Wales the responsibility for FRSs sits with the Welsh Government.

In such cases, PFCCs will be required to publish both an Integrated Risk Management Plan, which demonstrates how prevention, protection and response activities will best be used to prevent fires and other incidents, and a Fire and Rescue Plan setting out the PCC's strategic vision for the FRS in their area.

PFCCs may combine their Fire and Rescue Plan with their Police and Crime Plan if they wish, and produce a joint Police, Crime and Fire & Rescue Plan. The Fire and Rescue Plan sets out the Commissioner's strategic vision, priorities, and objectives for their area in connection with the discharge of their FRS functions. This plan can be revised as frequently as considered necessary.

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

Role of Police (Fire) and Crime Panel

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

F WORKING WITH YOUR CHIEF CONSTABLE

YOUR BITESIZE BRIEFING

PCCs are responsible for appointing the Chief Constable of the police force in their area, and this is one of their most important responsibilities.

A shared understanding of the Policing Protocol is a good starting point for PCCs and Chief Constables to understand how their roles intersect and many PCCs have found a joint consideration of the Policing Protocol with their Chief Constable helpful.

The PCP reviews the decision of the PCC as to the preferred Chief Constable candidate and may veto this if this is supported by at least two thirds of the PCP and is within a three-week period from notification of the PCC's proposed appointment.

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 very significant and rare act for a PCC. Under the PCC Review, the Home Office plans to legislate to amend S38 to make the dismissal process more transparent, as well as to work with the sector on a framework for independent mediation.

This section provides an outline of the process involved in appointing a Chief Constable. It also provides an outline of the process required in those rare occasions where a PCC requires a Chief Constable to resign or retire.

The APCC co-produced *Accountability Guidance* document is a helpful source of good practice and a shared understanding of the Policing Protocol is cited by many PCCs and Chief Constables as the basis for an effective working relationship. Following Part One of the PCC Review, the APCC will be working with colleagues at the NPCC, the CoP and the Home Office to update and review this guidance.

Establishing the working relationship

The relationship between PCC and Chief Constable can be considered the most important in a police force. One has been elected by local communities and is responsible for the totality of policing in the geographic area, the other has operational independence and provides the operational leadership for policing in that area.

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

There are many examples of good working relationships between PCCs and Chief Constables. Those good relationships provide

good practice that can be learnt from on election, or appointment. Your Chief Executive will be your main source of advice and information for establishing a good relationship, and the APCC can also provide advice.

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

Many PCCs have found a joint consideration of the Policing Protocol with their Chief Constable helpful. This may potentially be facilitated by APCC-provided training. Some PCCs and Chief Constables have gone on from this to enshrine the central principles that will govern their working relationship in a local protocol. Examples of these can be found in Durham, North Yorkshire, South Wales and Surrey.

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

Given the pressures that your working relationship with your Chief Constable will face, there may well be pressure points along the way. However, time invested in a shared understanding of the Policing Protocol and the basis of the working relationship should assist in those times. If problems persist then assistance can be sought. As always the PCC's chief executive will support along with the APCC. Similarly the Chief Constable may receive support from the CPOSA.

Appointment

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.

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 (and in line with the public sector equality duty).
- ▶ Convene an appointments panel including at least one independent panel member (Home Office Circular 013/2018).

- ▶ Ensure the vacancy is advertised for no less than three weeks.
- ▶ Review recommendations by the PCP (*Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012*).
- ▶ Confirm the appointment (*Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012*).
- ▶ Ensure the appointment process is undertaken in accordance with relevant legislation.
- ▶ Ensure the appointment process adheres to the *Equality Act 2010* and the *Data Protection Act 1998*.
- ▶ In addition to this, the CoP provides guidance on a number of principles which underpin designing and delivering fair and effective appointment processes which are robust and transparent in response to scrutiny.
- ▶ The Chief Executive of the OPCS 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.
- ▶ making a report to the PCC on the proposed appointment, including a recommendation as to whether or not the candidate should be appointed. The PCP must produce its report within three weeks of being notified by the PCC of the proposed appointment, and must ensure that the report is made available to the public.

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

A PCP may veto the preferred candidate of the PCC but there is no statutory list of reasons why the PCP may veto the appointment of a Chief Constable. However, the requirements and process that must be followed are set out in the *Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012*, Part 3 Regulations 9 and 10.

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

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

Dismissal

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

Should the PCC wish to pursue the resignation or retirement of the Chief Constable they must comply with the following process.

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

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

The PCC then provides the Chief Constable with:

- ▶ a written explanation of his or her reasons for proposing to call for the Chief Constable's retirement or resignation; and

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

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

- ▶ considering the report submitted by the independent member;
- ▶ reviewing the PCC's proposed appointment;
- ▶ holding a public confirmation meeting; and

- ▶ a copy of the views provided by the Chief Inspector.

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

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

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

The PCP is provided with:

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

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

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

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

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

Following Part One of the PCC Review, the Home Office had said it will legislate to amend Section 38 of the *Police Reform and Social Responsibility Act 2011*, to make the Chief Constable dismissal process more rigorous and transparent, as well as work with the CoP, the NPCC and the APCC to develop a framework for the use of independent mediation in appropriate circumstances.

G THE PCC ROLE IN THE POLICE COMPLAINTS SYSTEM

YOUR BITESIZE BRIEFING

The main features of the reforms to the police complaints system are set out in the *Policing and Crime Act 2017*.

The process for investigating serious complaints remains with forces, but PCCs have a statutory duty to hold the Chief Constable to account for his handling of complaints and to oversee the force complaints system.

PCCs are responsible for complaints against Chief Constables, but with complaints above the threshold set out in statutory guidance referred to the IOPC for investigation.

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

The reformed police complaints system

The *Policing and Crime Act 2017* underpins the reformed complaints system, with the Government setting out the following aims for the reforms as:

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

Key elements

The main changes implemented through the legislation are as follows:

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

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

Independent Office of Police Conduct

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

Supercomplaints

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

More responsive and accountable

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

Practice requiring improvement/reflective practice

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

PCCs role in a more responsive and accountable system

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

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

Model one The statutory minimum

Under this option, forces deal with the initial receipt of complaints and with continuing contact with the complainant throughout the process, but PCCs will hear reviews (appeals) by a complainant on the outcome of a complaint which has been investigated (unless the complaint has been handled by the IOPC). The review process does not apply to complaints that have been resolved informally and it requires the PCC to assess whether the outcome of the complaint is reasonable and proportionate. If the PCC decides that it is, then no further action is needed, beyond notifying the complainant. If the PCC decides it is not, then he or she can pass it back to the force with recommendations about an appropriate outcome. Where PCCs also take on models two

or three below, care will be needed to avoid conflicts of interest between initial complaints handling and review handling, and PCCs will need to delegate decision making for one or the other (or perhaps both) to separate individuals within the OPCC.

Model two Initial receipt of complaints

This option involves the statutory minimum requirements above, but, in addition, the OPCC is responsible for the initial receipt of complaints. Various processes must be observed around logging the complaint, and where the complaint involves serious misconduct, it must still be passed to the force for investigation (or in some cases to the IOPC). Pilots of this process prior to the legislation being implemented, showed that the vast majority of complaints can be resolved informally, with an apology, an explanation or other simple action. This enables less-serious complaints to be resolved quickly and satisfactorily, without triggering the formal investigation process.

Model three Continuing contact with complainants

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

Other information

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

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

Complaints against Chief Constables

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

Practice requiring improvement

Where misconduct is not serious and therefore not subject to formal investigation, but falls short of required standards of behaviour or performance, individual officers will be subject to practice requiring improvement processes, which are supervised by line managers in force. These might involve additional

training, additional supervision, or some other action to address poor performance or inappropriate behaviour. This has enabled simplification of the complaints system to provide better and swifter outcomes for all. Where PCCs are operating model two or three, this requires engagement with the force to ensure that practice requiring improvement is part of the informal resolution process, where appropriate.

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

Other PCC responsibilities

PCCs have some other responsibilities under the complaints system, notably in relation to the appointment of members of both PMPs and PATs.

Police Misconduct Panels

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

Police Appeals Tribunals

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

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

More information

www.apccs.police.uk/our-work/improving-public-accountability

H INDEPENDENT CUSTODY VISITING

YOUR BITESIZE BRIEFING

The Independent Custody Visiting/Visitor (ICV) role is long established, having secured legal status in 1984. ICVs make unannounced visits to police stations and report back to PCCs.

PCCs are responsible for arranging ICV schemes in their area.

The ICV role plays an important part in ensuring community reassurance in the use of police custody.

Background

The ICV role was borne out of Lord Scarman's investigation and report into the outbreaks of civil disorder in 1981.

To build public trust and confidence, Lord Scarman made several recommendations around community and police relations, including the introduction of independent inspections of police custody made by members of the local community.

In response to Lord Scarman's recommendation, the formal role of ICVs was enshrined in the *Police and Criminal Evidence Act 1984* (PACE). The Act set out the way in which police officers must carry out their roles – including codes of practice for police procedures – and established the rights of people who are detained by the police. ICVs use PACE as a way of checking that people detained by the police are treated correctly.

The ICV role is further enshrined in European Human Rights legislation, as well as the *Optional Protocol to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment* (OPCAT), an international protocol that establishes a system of independent visits to places where people are deprived of their liberty.

Prior to 2012, the administration of ICV schemes was a responsibility of police authorities. The *Police Reform and Social Responsibility Act 2011* transferred this duty to elected PCCs, meaning all PCCs (and where relevant directly elected mayors) must make arrangements for custody visiting to police cells in their area by ICVs.

The PCC role

Section 51 of the *Police Reform Act 2002* (as amended by the *Police Reform and Social Responsibility Act 2011*), sets out PCC responsibilities for administering and delivering ICV schemes. PCC must arrange for detainees to be visited by ICVs. This includes:

- ▶ recruitment and training of ICVs;

- ▶ ensuring ICVs are independent of the police and the PCC; and
- ▶ requiring ICVs to prepare and submit reports of visits they have made.

By fulfilling these duties, PCCs are facilitating community oversight and reassurance in police custody.

In accordance with the *Police Reform Act 2002*, the Home Office has issued the *Code of Practice on Independent Custody Visiting*, to which PCCs must have regard.

The ICV role

ICVs must have regard to the *Code of Practice on Independent Custody Visiting*.

PCCs can confer necessary powers on ICVs to enable them to carry out their functions, such as:

- ▶ requiring access to police stations and to examine records relating to the detention of persons there;
- ▶ meeting detainees there for the purposes of a discussion about their treatment and conditions while detained; and
- ▶ inspecting the facilities there including cell accommodation, washing and toilet facilities and the facilities for the provision of food.

Findings from ICV visits are collated in reports submitted to the PCC.

PCCs should note that, on occasion, ICV access to a detainee may be denied if it appears to an officer of or above the rank of Inspector that there are grounds for denying access at the time it is requested.

Partners

The APCC works closely with the NPCC Custody Lead. The oversight provided by the ICV role has been welcomed with inspections making a significant contribution to ensuring compliance with PACE and identifying areas of risk in real time.

HMICFRS inspections provide further independent scrutiny of police custody, with custody forming a key part of the Inspectorate's work. HMICFRS can conduct independent inspections of forces and will publish their findings alongside any recommendations. PCCs can use these reports to inform their oversight of the Chief Constable and the work of ICVs.

The APCC works closely with the Independent Custody Visiting Association (ICVA), an organisation that PCCs can join for additional advice and support on custody visiting. Part funded by the Home Office, ICVA also provides training and conferences to ICV schemes. Data collected by ICVA from PCC ICV schemes on custody visiting is shared with the Home Office to inform national work on custody.

Current issues

Recent areas of activity and interest concerning custody visiting and policing include:

Transparency and racial disparity

The APCC has established a working group on race disparity of PCCs with the aim of championing equality and diversity in policing and criminal justice. The group has encouraged greater PCC scrutiny and oversight of transparency with custody a key area of interest. This area of work has also been subject to NPCC and Home Office interest with the aim of building public confidence and shared learning of what works.

Deaths in custody

The Policing Minister currently co-chairs the Ministerial Board on Deaths in Custody and has written to PCCs to establish good practice regarding mental health, apparent post custody suicide and shared learning.

Appropriate adults

The role of the appropriate adult (AA) is to safeguard the interests, rights, entitlements and welfare of children and vulnerable people who are suspected of a criminal offence, by ensuring that they are treated in a fair and just manner and are able to participate effectively. PCCs have expressed interest in this area, having been made aware of:

- ▶ long waiting times for AAs;
- ▶ a lack of a named statutory provider for AAs for vulnerable adults; and
- ▶ issues relating to the AA role during the COVID-19 pandemic.

Report of the Independent Review of Deaths and Serious Incidents in Police Custody (the 'Angiolini Review')

In 2017, Dame Elish Angiolini published her review of deaths and serious incidents in police custody. The Government will publish an update in early 2021 to provide further detail on recommendations that have been implemented and work in progress.

Further information

More information about the ICVA can be found on their website at www.icva.org.uk and more information about the National Appropriate Adult Network can be found on their website at www.appropriateadult.org.uk

EQUALITY, DIVERSITY AND INCLUSION

YOUR BITESIZE BRIEFING

PCCs and OPCCs are subject to the PSED contained within the *Equality Act 2010*. The role of the PCCs is to be the voice of the people, so it is important that PCCs understand the needs of all the communities that they serve.

Key areas that PCCs should consider include disproportionality in the use of police powers, hate crime and workforce diversity.

When considering what organisations to engage with locally to understand their constituents' needs, PCCs should consider groups that represent the characteristics protected by the *Equality Act 2010*.

PCCs will want to bear in mind that people may have different perceptions of the police and the CJS.

Equality, PCCs and the law

PCCs and their offices are subject to the PSED contained within the *Equality Act 2010*. PCCs are subject to the general duty, which means that in the exercise of their functions, they must have due regard to:

- ▶ the need to eliminate unlawful discrimination;
- ▶ advancing equality of opportunity; and
- ▶ fostering good relations between people who share a protected characteristic and those who do not.

PCCs are also subject to the specific duty, which requires them to publish equality information annually to demonstrate compliance (organisations with fewer than 150 employees are exempt from publishing information about employees), and to publish one or more specific and measurable equality objective(s) every four years.

Furthermore, the *Police Reform and Social Responsibility Act 2011* requires PCCs to hold the Chief Constable in their area to account for the exercise of duties relating to equality and diversity.

PCCs championing equality

There are a number of ways locally that PCCs can meet (and exceed) their obligations under the *Equality Act 2010*, such as:

- ▶ setting relevant local priorities for policing and criminal justice locally in their Police and Crime Plans, and holding the Chief Constable to account for their delivery;
- ▶ ensuring that the services that they commission are inclusive of all members of the communities that they are elected to represent; and

- ▶ bringing together community safety and criminal justice partners to ensure that local priorities on eliminating discrimination are joined up.

The role of the PCC is to be the voice of the people, so it is important that PCCs understand the needs of all the communities that they serve. A key way to do this is to ensure that their decision-making is informed by effective community engagement.

When considering what organisations to engage with locally to understand their constituents' needs, PCCs may in the first instance wish to consider groups that represent the characteristics protected by the *Equality Act 2010*, which are:

- ▶ age;
- ▶ disability;
- ▶ gender reassignment;
- ▶ marriage and civil partnership;
- ▶ pregnancy and maternity;
- ▶ race;
- ▶ religion or belief; and
- ▶ sex.

PCCs may also wish to consider other characteristics that are not specifically covered by the act, such as socio-economic status, non-binary gender, neurodiversity and others that may be relevant to their area.

A key part of the PCC role is confidence building, so it is important to bear in mind that people may have different perceptions of the police and the CJS depending on their characteristics. These perceptions may be based on their own experiences, and/or the experiences of others who share the same or similar characteristics to them – e.g. organisations including the Criminal Justice Alliance (CJA) have argued that disproportionality in use of police powers impacts detrimentally on communities' trust and confidence in the police. Consequently, people from Black and Mixed ethnic backgrounds – who are more likely to be subject to the use of police powers – are less likely than White and Asian people to have confidence in their local police.

Key areas and further information

Disproportionality and police powers

In the year ending March 2020, BAME people were over four times more likely to be the subject of a stop and search than White people in England and Wales, whilst Black people specifically were almost nine times more likely than White people to be stopped. Also in that year, 20% of people who were subject

to the use of less-lethal weapons (such as conducted-energy devices (CEDs)) were Black.

In 2021, Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services published the report *Disproportionate use of police powers: A spotlight on stop and search and the use of force*, which recommended that forces make better use of body-worn video (BWV), and improve both internal monitoring and external scrutiny over their use. In 2019, the CJA published the report *Stop & Scrutinise: How to improve community scrutiny of stop and search*, which made a number of recommendations to forces and PCCs regarding the provision of local Community Scrutiny Panels.

Hate crime

A hate crime is any crime that is targeted at a person because of hostility or prejudice towards their:

- ▶ race or ethnicity;
- ▶ religion or beliefs;
- ▶ sexual orientation;
- ▶ disability; and/or
- ▶ transgender identity.

In a number of force areas, hate crimes against other characteristics are also recorded, e.g. gender/misogyny, sex workers and alternative sub-cultures. Non-crime hate incidents are also recorded by the police, as they can often escalate to crimes or contribute to community tensions.

The impacts of hate crime can be especially severe, therefore it is crucial that the victims' services PCCs commission can provide support to victims of all the strands protected by hate crime legislation.

Workforce diversity

As of March 2020, 7.3% of police officers were BAME, whilst 31% were female.

The APCC and NPCC's *Policing Vision 2025* commits PCCs and Chief Constables to making forces more representative of the communities they serve. In 2018, the NPCC published *2018-2025: NPCC Diversity, Equality & Inclusion Strategy* and the accompanying toolkit document *2018-2025: NPCC Workforce Representation, Attraction, Recruitment, Progression & Retention Toolkit*, to enable forces to drive progress locally.

The Police Uplift Programme (PUP) – the central body overseeing the Government's commitment to recruit 20,000 police officers by 2023 – is currently sharing monthly diversity dashboards with forces and OPCCs that include data on ethnicity and gender, to provide greater understanding of what progress is being made locally.

More information

The APCC's *Race Disparity In Focus* report showcases the initiatives that PCCs are driving forward locally to tackle race disparity – see section **1B HOW PCCS HAVE MADE A DIFFERENCE**.

The *APCC Race Disparity Toolkit*, commissioned by the APCC Race Disparity Working Group, contains links to statistics, resources and best practice examples regarding the issues in this section.

Also see www.apccs.police.uk/our-work/championing-equality-diversity-in-policing-and-criminal-justice.

J ENVIRONMENT AND SUSTAINABILITY

YOUR BITESIZE BRIEFING

The CoP's report *Policing in England and Wales: Future Operating Environment 2040* identifies climate change and environmental decline as one of the top ten most significant challenges facing policing in the next 20 years.

There is a strong public interest in ensuring that policing is environmentally aware and sustainable; PCCs have a key role in encouraging and supporting police forces (and their own offices) to reduce their carbon footprints.

There are new opportunities to take work forward on environment and sustainability in policing, including the creation of a PCC-led police commercial organisation – [BlueLight Commercial](#) – with a strong focus on social value through procurement.

The APCC has launched a new Environment and Sustainability Portfolio and has prioritised work on this issue in its *APCC Business Plan 2020-22*, and many PCCs/force areas are developing their own strategies and action plans.

This section introduces the topic of the environment and sustainability within policing. It will identify areas within policing where PCCs can affect change and outline work that is already ongoing within the sector.

Background

While there is – as yet – no legal requirement for PCCs and forces to be more sustainable in their approach to policing, a 2019 BEIS Public Attitudes Tracker report found that 80% of the British public are concerned about climate change. This shows that there is a strong public mandate for policing to strive to take steps to mitigate the risks posed by climate change and to see their elected commissioners working to understand and reduce the carbon footprints of their respective forces.

In 2020, the Government issued its report *The Ten Point Plan for a Green Industrial Revolution: Building back better, supporting green jobs, and accelerating our path to net zero*, noting that 'as the world looks to recover from the impact of coronavirus... we have the chance to build back better: to invest in making the UK a global leader in green technologies'. Against this background, a growing number of force areas are responding to public concern with their own environment and sustainability strategies covering areas such as fleet, estates, and procurement. Nationally, the APCC has launched a new Environment and Sustainability

Portfolio, enabling PCCs to provide national leadership, supporting them to drive local improvements and promoting their role nationally.

Key opportunities

Procurement

One of the biggest opportunities for PCCs and police forces to affect change is via their procurement and commissioning practice. In 2020, PCCs established BlueLight Commercial to transform and improve the commercial practices of policing in the UK. BlueLight Commercial is now supporting local forces to ensure that social value objectives are considered and met in police commissioning and procurement, including by creating a Social Value Planning tool and information for PCCs on commissioning for social value. Information about its Sustainability Policy can be downloaded from its website at bluelightcommercial.police.uk/media/1104/sustainability-policy.pdf.

The *Public Services (Social Value) Act 2012* requires people who commission public services to think about how they can also secure wider social, economic, and environmental benefits. That means that commissioners should be thinking about how the services they are buying, or the way they are planning to buy them, could contribute to securing these benefits for their local areas.

Fleet

Many forces are introducing hybrid and electric vehicles into their fleets. Electric cars emit zero emissions and generate significant savings on fuel costs and servicing and management costs in comparison to diesel vehicles. While electric cars cannot yet be used as emergency response vehicles, there are a wide range of other vehicle usages within police forces, including cars for local investigation teams. Some challenges in this area include the initial infrastructure costs – i.e. need for a network of charge points - and the importance of aligning investment strategies with anticipated technological developments in an area where technology is evolving quickly.

Examples of good practice include Gloucestershire, where over 20% of the constabulary's fleet is made up of hybrid, hydrogen-fuelled and full-electric cars, with a commitment to a 40% target over five years.

Energy

An investment in renewable energy not only reduces reliance on finite fossil fuels but also reduces energy costs. The predicted rise of prices for fossil fuels means that energy costs could rise substantially in the longer-term meaning that many forces are investing now to save later. Examples of good practice include the commissioning of solar panels on police buildings and

the installation of biomass boilers to heat offices by Avon and Somerset.

Estates

The reduction of a building's carbon footprint can be made at all stages of its life, from design and construction to operation and maintenance and through to demolition. PCCs can look to ensure that steps including reusing of materials and reduction of waste are taken to ensure police buildings are as eco-friendly as possible. The National Police Estates Group (NPEG) have an Environment and Sustainability Subgroup which looks to ensure that cost-effective opportunities are taken to reduce the associated carbon emission of projects.

COVID-19 pandemic recovery

Building back better to reflect changes in working practices during the COVID-19 pandemic could also involve significant environmental benefits – e.g. more meetings using online platforms like Zoom and Teams means less transport use and remote working is more likely to be paperless.

Other possible implications for policing

In its report *Policing in England and Wales: Future Operating Environment 2040*, the CoP identified climate change and environmental decline as one of the 10 most significant challenges facing policing over the next 20 years. The implications it identifies for policing could include growing protest movements and mass demonstrations and the emergence of new legislative restrictions that would require policing with calls for the police to identify and prosecute those responsible for breaking the rules and causing environmental harm. The report also warns of a rise in Organised Crime Groups (OCGs) taking advantage of the demand for resources and disrupting supply chains.

More information

www.apccs.police.uk/our-work/building-our-resources-infrastructure

▶ 3 VICTIMS, CRIMINAL JUSTICE AND WIDER COMMISSIONING RESPONSIBILITIES

A PCC 'AND CRIME' CJS, VICTIMS AND WIDER COMMISSIONING RESPONSIBILITIES



A PCC 'AND CRIME' CJS, VICTIMS AND WIDER COMMISSIONING RESPONSIBILITIES

YOUR BITESIZE BRIEFING

As part of the 'and Crime' part of the role, PCCs have a role both in respect of the local CJS and specifically in respect to victims of crime.

A key part of this involves PCCs commissioning a wide range of services including reducing re-offending, diversion and other crime prevention and community safety services.

PCCs are responsible for commissioning most local support for victims of crime and receive funding from the MoJ specifically for this purpose.

PCCs also choose to commission, or co-commission with other partners, a wide range of other services to help deliver their local priorities, e.g. working with local authorities, Clinical Commissioning Groups (CCGs) and the National Probation Service (NPS).

The PCC role in CJS

A key part of the 'and Crime' part of the PCC role is as a senior leader in the local CJS. The *Police Reform and Social Responsibility Act 2011* sets out the reciprocal duty on PCCs and other CJS agencies to work together to provide an efficient and effective CJS for police force areas. One way this works effectively is through LCJBs and PCCs should chair or otherwise play a leading role in their LCJB.

By taking a leading role in local CJS partnership arrangements, PCCs can help CJS partners and agencies become more visible in the local area and help align and set priorities and address cross-cutting local issues. In short, PCCs should use their position to provide leadership and transparency for the CJS at a local level, whilst respecting prosecutorial and judicial independence – e.g. many PCCs use this part of their role to lead and support on work with local partners to prevent offending or reduce re-offending.

PCCs also have a particular role to play in respect of victims of crime and as such are well placed to have oversight of how the CJS locally is meeting the needs of victims. This also involves a formal responsibility for monitoring the compliance of CJS agencies, through LCJBs, with the requirements in the *Code of Practice for Victims of Crime* (the 'Victims' Code') and reporting back on this to the MoJ.

PCC commissioning role

A key aspect of the PCC role in respect of the 'and Crime' responsibilities is the role played by the commissioning of services to help to deliver local priorities, and PCCs will wish to consider the development of local commissioning strategies.

The PCC commissioning role often involves working in partnership with other key stakeholders and agencies such as local authorities, the CCGs and the NPS, and can include co-commissioning of services with partners.

The most significant area of commissioning for PCCs is for local support services for victims of crime. In addition, PCCs also commission or fund a range of other services such as reducing re-offending, diversion/intervention, crime prevention, and other community safety services.

Services for victims of crime

The MoJ devolved responsibility for the commissioning of the majority of local services for victims of crime to PCCs in 2014 and provides an annual grant to each PCC area based on its resident population. The grant covers the provision of universal services for victims of crime, and for some specialist services, including domestic abuse. The grant is subject to conditions and reporting requirements which are set out in the terms of the Grant Agreement.

While most funding for victim support services is provided through the MoJ grant, additional one-off funding has been available from time to time (e.g. in response to the pressures of the COVID-19 pandemic), and which PCCs can bid into. In addition, PCCs will often choose to provide funds from their own budgets.

Further information, including case studies on the role of PCCs in supporting victims, can be found in the APCC report *Putting Victims First In Focus* – see section **1B HOW PCCS HAVE MADE A DIFFERENCE**.

Other commissioning

As well as the responsibility for commissioning support services for victims of crime, PCCs commission a range of other services. Typically, these cover areas such as:

- ▶ reducing re-offending;
- ▶ serious violence;
- ▶ crime prevention;
- ▶ alcohol and substance misuse services;
- ▶ early intervention; and
- ▶ community safety.

In taking forward work in these areas, PCCs will often work in partnership with other key agencies and public bodies and, as part of this, may choose to jointly commission services with other public sector bodies, including local CCGs (e.g. to commission mental health, drug, and alcohol services), Youth Offending Teams (YOTs), the NPS and local authorities.

In respect of PCC work to reduce re-offending it should be noted that 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 NPS. There will continue to be an important role for the voluntary and private sector in the delivery of resettlement and rehabilitative interventions. The new probation model offers an opportunity to further develop the joint working relationship between the NPS and PCCs to take forward work on reducing re-offending.

Funding for the commissioning of these services usually comes from within the existing PCC budget but there have been opportunities to bid into the Home Office or MoJ for specific time limited funds to support key areas of work. Recent examples include:

- ▶ the [Early Intervention Youth Fund](#)
- ▶ the [Safer Streets Fund](#); and
- ▶ the [Domestic Abuse Perpetrator Schemes Fund](#).

Further information

Further information, including case studies on the role of PCCs commissioning services to reduce re-offending, can be found in the APCC's report *Reducing Reoffending In Focus* – see section **1B HOW PCCS HAVE MADE A DIFFERENCE**.

Also see www.apccs.police.uk/our-work/improving-our-criminal-justice-system-supporting-victims-giving-them-a-voice.

▶ 4 YOU AND YOUR TEAM

A OPCC AND STAFFING ARRANGEMENTS

B AUDIT COMMITTEES



A OPCC AND STAFFING ARRANGEMENTS

YOUR BITESIZE BRIEFING

PCCs must appoint a Chief Executive, a CFO and a Data Protection Officer (DPO) and may appoint other staff as they think appropriate to enable them to discharge their PCC functions, with significant flexibility to implement arrangements that best suit their vision, both in terms of staffing arrangements and other aspects of business. All PCC staff must be appointed on merit.

PCCs may appoint a Deputy PCC, with the Government expected to make this a requirement by the 2024 elections; the Deputy is the only role in a PCC's office that is not politically restricted and is therefore permitted to undertake political activities. PCCs cannot appoint more than one person as the statutory Deputy PCC.

The Government was clear during the passage of the *Police Reform and Social Responsibility Act 2011* (the 'Act') that they did not intend PCCs to have political advisers as members of staff, other potentially than the Deputy PCC.

The appointment of the PCC's senior staff and Deputy PCC is subject to a confirmation hearing by the PCP, which has no power to prevent the appointment but can make recommendations.

A PCP must appoint an Acting PCC (Ss62-63 of the Act) where:

- ▶ there is no PCC;
- ▶ the PCC is incapacitated; or
- ▶ the PCC is suspended while a serious conduct matter is investigated.

This section provides information about the staffing of the OPCC. It covers the appointment of:

- ▶ Deputy PCCs, Chief Executives and CFOs;
- ▶ other OPCC staff;
- ▶ non-OPCC staff; and
- ▶ Acting PCCs.

This is intended as an outline guide only and detailed employment advice is best obtained from an Human Resources (HR) expert or lawyers.

OPCC staff structure

PCCs may wish to review their staffing structures on taking up office, but are free to arrange these structures in whatever way they wish within certain parameters set out in legislation as follows:

- ▶ PCCs must appoint a Chief Executive as head of their paid staff, who has a statutory responsibility as Monitoring Officer to ensure the PCC/OPCC operates within the law.
- ▶ PCCs must appoint a CFO, who has certain statutory and fiduciary responsibilities in relation to financial probity.
- ▶ PCCs must also appoint a DPO as required by the *Data Protection Act 2018* ('the Act') to ensure the OPCC is compliant with the DPA. This role could be undertaken by the Monitoring Officer or a separate staff member. It is not in itself a senior post requiring a confirmation hearing but is a statutory requirement.
- ▶ PCCs may appoint a Deputy PCC (the Government intends to bring forward legislation to mandate PCCs to appoint a Deputy PCC by the 2024 elections, as recommended by Phase One of its PCC Review).
- ▶ PCCs may appoint such other staff as they think appropriate to enable the exercise of the PCC's functions.
- ▶ PCCs are also obliged to make some non-staff appointments and have the flexibility to make others if they wish.
- ▶ PCCs have a general power to 'do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of the functions of commissioner', which means they have significant flexibility to implement arrangements that best suit their vision, both in terms of staffing arrangements and other aspects of business.
- ▶ It is also worth noting that the Policing Protocol (Paragraphs 23 (e) and (l)) place an obligation on Chief Constables to provide the PCC with access to force officers and staff.
- ▶ Finally, if the PCC resigns, becomes incapacitated or disqualified, the PCP has a responsibility to appoint an Acting PCC from amongst the PCC's staff.

Statutory requirements

The *Police Reform and Social Responsibility Act 2011* ('the Act') places a number of requirements or restrictions on the employment of staff as follows:

PCP confirmation hearing

The appointment of the PCC's senior staff (Chief Executive and CFO) and Deputy PCC is subject to a confirmation hearing by the PCP (it has no power to block or prevent the appointment but can make recommendations).

Political restriction

All staff in the OPCC are restricted from undertaking any form of political activity. The only exceptions are the Deputy PCC and those staff transferred from the police authority in 2011 on terms and conditions which did not contain political restrictions

and which have not been subsequently reviewed (see s.200 of Schedule 16 and s.20 of Schedule 15 of the Act)

Restrictions on delegations

A PCC may not delegate any functions to a police officer (including the chief officer) or to another PCC (or equivalent) or another PCC's staff. There are a few important functions which PCCs may not delegate to anyone (issuing the Police and Crime Plan, appointing/suspending/firing the Chief Constable, setting the Budget and appointing a local auditor). There are other functions which can only be delegated to a Deputy PCC (determining police and crime objectives, attending PCP meetings, and preparing the Annual Report to the PCP). Most other functions can be delegated to other persons, who will usually be the PCC's staff, but in theory can be other, independent people. The OPCC will have an existing delegation framework, and a new PCC might wish to review this on taking up office, to ensure it reflects their vision and proposed staffing arrangements.

Appointment on merit

Apart from the Deputy PCC, all PCC staff must be appointed on merit (S7 of the *Local Government and Housing Act 1989*) – which is to say there should be an open and transparent process, which appoints the best qualified person for the job. Special factors apply to the PCC's Chief Executive and CFO. Under the legislation these are required to be two separate people, the CFO must hold an approved financial qualification, and new appointments to either role will require a confirmation hearing to be held by the PCP. Existing Chief Executives and CFOs that are already in post at the time the PCC takes office are not required to be reappointed by a new PCC and therefore will not undergo a confirmation hearing again.

The Elected Local Policing Bodies (Specified Information) Order 2011

This contains some requirements to publish information about staff (see section **7B PROVIDING INFORMATION TO THE PUBLIC**), including:

- ▶ the number of members of the staff;
- ▶ the proportion of the staff who are women, are from an ethnic minority, or who have a disability;
- ▶ an organisational chart showing the structure of the staff;
- ▶ the job title, responsibilities and salary or salary band of each senior employee and (unless the senior employee refuses to consent to the publication of it) their name; and
- ▶ a register of each offer of a gift or hospitality made to a relevant office holder or member of staff, indicating whether the offer was accepted or refused.

Confirmation hearings

The PCC must notify the PCP of the intention to recruit a senior staff member or Deputy PCC and must provide the PCP with certain specified information about the post and the chosen candidate. The PCP must make recommendations to the PCC after the confirmation hearing about whether to accept the candidate. The PCC is not bound to act on any recommendations, but the PCC should take them into account and must respond to the PCP. Depending on local circumstances, the outcome could cause inconvenience or embarrassment to the PCC if the process is not well handled, so PCCs may wish to engage panels at an early stage, where recruitment to a senior post is a factor.

Some PCCs have found it helpful to appoint an independent member of a recruitment/interview panel for senior PCC staff, in order to improve the transparency of the process. Whilst this is not a legal requirement for senior PCC staff (although it is for Chief Constable recruitment), PCCs have often found this improves the quality of their engagement with the panel in relation to the confirmation hearings. The independent member can provide a source of independent assurance to the PCP about the integrity of the recruitment process.

Vetting arrangements

All OPCC staff with access to police systems and police buildings will be expected to undergo police vetting, and job offers for OPCC roles would generally be conditional on meeting the required vetting standard. The exceptions to this are the PCC and the Deputy PCC, who are treated in a similar way to Ministers under the legislation – they cannot be required to undergo police vetting but must sign the *Official Secrets Act 1989*.

Some staff may need higher levels of vetting than others – and generally the Chief Executive and possibly the CFO would have the highest levels of vetting as they are most likely to have access to sensitive police information. However, other roles which are linked to sensitive areas (Counter Terrorism (CT) oversight or ROCUs, for instance) might also need higher levels of vetting (see the CoP's *Vetting Code of Practice* for further details).

Deputy PCCs

As mentioned, the Deputy PCC is subject to a confirmation process through the PCP but is the only member of staff that can be appointed in a political role and that does not have to be appointed on merit under an open and transparent process. However, PCCs may wish to be aware that closed appointment processes have in the past been criticised. More transparent options include:

- ▶ appointing through an open process by publicly advertising the vacancy, with key criteria being tested at interview, akin to a process of appointing on merit; or

- ▶ appointing through a process which includes an independent person on the selection panel.

PCCs do not have to appoint a Deputy PCC (although the Government plans to bring forward legislation to mandate this for the 2024 elections), but there are some functions which may not be delegated to the Deputy PCC, and some which can only be delegated to the Deputy PCC (see the section on delegation frameworks). Within these parameters, it is for the PCC to decide the nature of the Deputy PCC's post and the functions they wish to delegate to the Deputy PCC.

The Deputy PCC, in turn, may arrange for the majority of their functions to be delegated to others, although there are some restrictions, both on specific functions and on the people to whom these can be delegated (see S18 of the Act).

A number of disqualification provisions apply to Deputy PCCs (Schedule 1, para 8(2)), who cannot be appointed if:

- ▶ they are a member of the House of Commons, the Scottish Parliament, the National Assembly for Wales, the Northern Ireland Assembly or the European Parliament;
- ▶ they are currently a police officer, a special, a member of police staff, or PCC staff – or a member of (or member of the staff of) certain national policing bodies (see S65 (h)), or the City of London Police Authority; or
- ▶ they are not a British citizen, have been declared bankrupt, have been convicted of any imprisonable offence in the United Kingdom, Channel Islands or Isle of Man or committed corrupt or illegal elections practices (under the Representation of the People Act 1983).

Other points relating to Deputy PCCs

PCCs cannot appoint more than one person as the statutory Deputy PCC. The Act clearly states that 'a person' may be appointed as the Deputy PCC. This means that it is not a post that is created but an office that will be held by one person, and it is not possible to create multiple deputies through job-sharing or other arrangements.

Deputy PCCs are subject to the same conduct regime as PCCs, so complaints against them are handled by the PCP.

The Act provides that the terms and conditions of the Deputy PCC must provide for the appointment to end no later than the day when the PCC's term of office ends (Sch 1, para 8(3)). Experience has shown that it may be sensible to link the Deputy PCC's employment to the term of office (i.e., until the next election is held), rather than the occupation of that office by a particular PCC. Otherwise, if a PCC resigns, is incapacitated, or is otherwise unable to serve their full term of office, the PCP will be unable to appoint the Deputy PCC as an Acting PCC, as they will no longer be a member of the staff of the PCC (from whom the Acting PCC

must be drawn – see section below). This can be an important option to maintain resilience and stability of the OPCC until a new PCC is elected.

As a member of the PCC's staff, the Deputy PCC will be covered by general employment legislation, and a contract of employment setting out specific terms should be considered. Apart from the term of the appointment, the conduct regime for Deputy PCCs will need to be reflected in the contract of employment.

Deputy PCCs can also stand for election as a PCC without having to stand down from their role.

Non-OPCC staff appointments

PCCs can make non-OPCC staff appointments through the legislation touched on above. However, difficulties may arise if a PCC wishes to use this mechanism to appoint to staff, executive or quasi-executive roles – for instance if a PCC wishes to appoint a person who is not politically restricted, perhaps as an assistant to the PCC or as a political adviser.

There are some non-staff appointments which the PCC must make:

- ▶ independent members (including the Chair) of the Audit Committee (see section **4B AUDIT COMMITTEES**) – this is usually a joint obligation with the Chief Constable;
- ▶ independent members and LQCs of PMPs (see section **2G THE PCC ROLE IN THE POLICE COMPLAINTS SYSTEM**); and
- ▶ PCCs must make arrangements for ICVs to be in place – these are voluntary roles (see section **2H INDEPENDENT CUSTODY VISITING**).

These appointments will not usually need to be made at the start of the PCC's term of office, but this will depend on the existing contracts of the individuals concerned and when they are due for renewal.

PCCs may also wish to appoint people to undertake roles comparable to that of Non-Executive Board Members in a private organisation. That is, to strengthen corporate governance of the organisation and be a critical friend in specific areas of the business or in the development of the PCC's key direction. For instance, several PCCs have created residents' panels to help the PCC oversee specific force functions, such as complaints or restorative justice matters. Some of these are voluntary roles, which attract expenses rather than allowances, but similar restrictions on the nature of their contracts apply (see below). It is a matter for the PCCs to decide what best suits local needs and create supporting structures accordingly.

The PCCs powers to appoint to non-staff roles is subject to precedents set by the courts about arrangements which provide

a reward or benefit to an individual rather than facilitating a function, which could be construed as a contract of employment. To avoid a lack of clarity about the nature of an appointment, if a person is to be remunerated or paid gratuities or allowances, it is suggested this is done under a contract for the provision of services. Otherwise, these people could be construed as PCC staff – which in many cases would defeat the need for independence.

A contract for services has to be produced in a manner compatible with the PCC's Financial Regulations and Contract Standing Orders. Many of the statutory roles requiring committee/panel members to be appointed stipulate that these people must be independent (for instance members of audit panels or of police misconduct panels). Care therefore needs to be taken in setting out the terms of appointment, as in some circumstances a contract for services can be construed as contract of employment.

Political advisers

The Government was clear during the passage of the *Police Reform and Social Responsibility Act 2011* ('the Act') that they did not intend PCCs to have political advisers as members of staff, other potentially than the Deputy PCC. So, whilst it might theoretically be possible to appoint someone in this capacity as a non-staff member (if the post is limited to a few specific functions requiring only a few hours of work per month by an individual who also has other employment, perhaps as a councillor), a PCC might find it difficult to demonstrate in these circumstances that the appointment of a political adviser was not simply a device to circumvent the intentions of the legislation. PCCs may also want to be mindful that PCPs are likely to be extremely interested in any appointment that appears to be akin to that of a political adviser.

An alternative may be to secure such support through another body (a limited company, local authority, trade union or other legal entity), so that the contract would be with that body and not an individual – but such a contract would still need to be compatible with the PCC's Financial Regulations and Contract Standing Orders.

PCCs will want to take their own legal and employment advice locally before embarking on this step.

Acting PCCs

A PCP must appoint an Acting PCC (S62-63 of the Act) where:

- ▶ there is no PCC (i.e. the PCC has died or been disqualified);
- ▶ the PCC is incapacitated; or
- ▶ the PCC is suspended where a serious conduct matter is being investigated.

The Acting PCC must be selected from amongst the PCC's own staff and, in cases where the PCC is incapacitated, the panel must have regard to the PCC's wishes in appointing the Acting PCC. It is for the PCP to determine who to appoint as Acting PCC. In most cases it is assumed that the Acting PCC would be the Deputy PCC, but this is not absolutely required by the legislation, and there will be situations where the PCP considers it more appropriate to appoint the PCC's Chief Executive or another senior member of staff, and they will have little option but to do this if there is no Deputy PCC.

An Acting PCC may carry out all the functions of the PCC, except for issuing or revising a Police and Crime Plan. If the PCC is incapacitated for more than six months, or is disqualified or resigns, then the office of PCC becomes vacant. An Acting PCC can continue to act in this period, but arrangements must be put in place to hold an election for a PCC as soon as possible.

B AUDIT COMMITTEES

YOUR BITESIZE BRIEFING

PCCs and their Chief Constables are required to establish an independent Audit Committee to advise the PCC and Chief Constable jointly, ensure transparency and provide safeguards around financial probity and good governance.

Both the PCC and the Chief Constable are 'corporations sole', which means they can hold and spend public money for policing and crime reduction purposes.

CIPFA guidance states that the Audit Committee should comprise between three and five members who are independent of the PCC and the force; but the PCC and force should be represented at the Audit Committee. The Audit Committee meets quarterly, but with flexibility to convene additional meetings, if necessary.

There will be an established Audit Committee in each police force area.

This section sets out some key information which PCCs might find helpful in relation to Audit Committees, including:

- ▶ statutory requirements;
- ▶ Audit Committee functions; and
- ▶ membership of Audit Committee and appointments.

Statutory requirements

It is a statutory requirement within the *Financial Management Code of Practice for the Police Service of England And Wales* that 'the PCC and the Chief Constable should establish an independent Audit Committee' which should be a 'combined body' to advise the PCC and Chief Constable jointly.

In practice, an Audit Committee is a mechanism for ensuring confidence in how public money is spent, and provides safeguards to the PCC and Chief Constable about the financial probity and standards of good governance for the PCC and force.

Audit Committee functions

The core functions of the Audit Committee are to 'advise the PCC and Chief Constable according to good governance principles, including appropriate risk management arrangements in accordance with proper practices in relation to audit, internal control, financial and corporate governance'. However, Audit Committees can take on wider functions if the PCC and chief officer wish to include checks and balances on wider areas of their business – for instance, data quality, standards and ethics, health and safety or performance issues.

Both the PCC and the Chief Constable are 'corporations sole', which means they are capable of holding and spending public money for policing and crime reduction purposes. This places a number of accounting and audit obligations upon both entities, to ensure those funds are used properly and the FMCP provides that the Audit Committee should be a 'combined body' to advise the PCC and Chief Constable jointly, since they are broadly speaking using money from the same fund.

Audit Committee membership

In setting up the Audit Committee, the PCC and the Chief Constable should have regard to the CIPFA guidance publication *Audit Committees: Practical Guidance for Local Authorities and Police (2018 Edition)*. CIPFA have a quasi-regulatory role in relation to financial governance and audit standards. Their guidance on Audit Committees recommends that an Audit Committee should have a statement of purpose, with formal terms of reference covering its core functions. In order to be effective, an Audit Committee needs an independent chair and membership that has knowledge, experience and interest in the field. The Audit Committee will also benefit from members with financial awareness, independence of thinking and a balanced approach to significant issues.

CIPFA guidance states that the Audit Committee should comprise between three and five members who are independent of the PCC and the force. There is no definition of independence in the guidance, and the means of recruitment of members and remuneration is left as a matter for local discretion. The guidance is explicit that the PCC and the force should be represented at the Audit Committee.

Other relevant issues

CIPFA guidance suggests that meetings of the Audit Committee should be quarterly but with flexibility to convene additional meetings, if necessary. PCCs may wish to consider how meetings can be organised to fit with financial cycles and key activities of the PCC, such as annual reports.

There will be an established Audit Committee in each police force area. Typically, Audit Committee members, including the independent chair, will have been appointed for a fixed period of time (often four or five years) and PCCs may wish to review the membership and/or terms of reference of the Audit Committee, in consultation with the Chief Constable, as the end of that period approaches.

Each force will have different issues, however in reviewing the arrangements for the Joint Audit Committee, PCCs may wish to discuss the following issues with their CFO/Chief Constable:

- ▶ the terms of reference;
- ▶ the scope of the Audit Committee's responsibilities;

- ▶ the skills requirements for Audit Committee members including the criteria for determining 'independence';
- ▶ the size of the Audit Committee;
- ▶ the tenure of office;
- ▶ the number of meetings and extent to which meetings will be held in public; and
- ▶ the appointment of an independent chair of the Audit Committee.

PCCs may also wish to consider with the Chief Constable the terms of appointment of Audit Committee members and appropriate remuneration and expenses for this function.

More detail about issues which should be considered in developing contracts/terms of appointment for non-staff positions can be found in section **4A OPCC AND STAFFING ARRANGEMENTS**.

It will be important to ensure that contracts of employment are not inadvertently created, as this would automatically defeat the requirement for independent committee members. PCCs would also need to decide whether allowances should be paid for preparation time as well as attendance, and whether the independent chair should receive a special allowance. PCCs can be advised by their CFOs on the details of this.

5 EMERGENCY SERVICES COLLABORATION

A FIRE AND RESCUE AND WIDER EMERGENCY SERVICES COLLABORATION



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A FIRE AND RESCUE AND WIDER EMERGENCY SERVICES COLLABORATION

YOUR BITESIZE BRIEFING

Under the *Policing and Crime Act 2017*, PCCs can apply to take on responsibility for fire governance and become PFCCs. To date, four PFCCs have taken this option, following local consultation and submission of a business case to the Home Secretary for a decision.

PFCC responsibilities include setting the Fire Budget and setting local FRS objectives through a Fire Plan and hiring the Chief Fire Officer.

Following a recommendation from Phase One of the Government's PCC Review, it is planning to consult on a White Paper on Fire and Rescue, including consulting on the mandation of the transfer of FRS functions to the PFCC model across England only where boundaries are coterminous.

PCCs have a number of opportunities to work with fire and other emergency services, as well as duties to oversee the effectiveness of local bluelight collaboration and levers to encourage it.

PFCC model

At present, measures included within the *Policing & Crime Act 2017* ('the Act') enable PCCs to take on fire governance and replace the FRA. The benefits of this approach include greater accountability by introducing a directly elected person to oversee fire governance and bringing both emergency services under one form of governance should provide greater opportunity to take up collaboration opportunities. Importantly, this process is not a police-fire service merger and both force and service maintain their distinct identities.

To date, four PFCCs have taken up the opportunity provided by this legislation, which involves local consultation and submitting a business case to become a PFCC to the Home Secretary for a decision. PFCC responsibilities include setting the fire budget, setting local FRS objectives through a Fire Plan and hiring the CFO.

The 2017 legislation also provides an opportunity for PCCs to request to join their local FRA with full voting rights, subject to members' approval, as a way of improving collaboration.

Future plans for fire

On 16 March 2021, the Government announced its intentions to consult on whether to mandate the transfer of FRS functions to the PFCC model across England where boundaries are coterminous. If successful, this would require new legislation to

replace the Act and business case process, meaning PCCs would be mandated to take on fire governance.

A White Paper and public consultation are expected to be published in May/June. This will provide further details of the Government's proposals and an opportunity for PCCs to respond. The APCC is working with the Home Office as it develops the White Paper, consultation process, and reform to the fire sector and will provide advice and support to PCCs as this progresses.

Police fire collaboration

As the White Paper progresses, emergency services (ambulance, fire and police) are still able to come together as part of official and through more informal collaborations to respond to a range of issues, be it planning for civil emergencies or responding to road traffic accidents.

The Government sought to formalise and promote emergency service collaboration by introducing a statutory duty to collaborate in the Act (England only). The Act places a duty on ambulance, fire and policing bodies (i.e. police forces and PCCs) to 'keep under consideration whether entering into a collaboration agreement with one or more other relevant emergency services in England could be in the interests of the efficiency or effectiveness of that service and those other services'.

Further to this legislation, PCCs have other duties to oversee and levers to encourage bluelight collaboration:

- ▶ PCCs are responsible for issuing and keeping under review Police and Crime Plans. Plans can include priorities for bluelight collaboration, which Chief Constables must have regard to when exercising their functions.
- ▶ PCCs are responsible for ensuring the police force is efficient and effective. PCCs can use their statutory ability to request performance information on behalf of the public from the Chief Constable and this can provide an effective mechanism to ensure the Force is efficient or effective and collaboration, where appropriate, is being considered to achieve these outcomes.
- ▶ Holding the Chief Constable to account for the exercise of their statutory functions, including their duty to collaborate (as per the Act (England only)).
- ▶ One of a Chief Constable's specific duties is to co-operate with other persons in the exercise of their functions (i.e. Section 22 agreements). As stated above, PCCs are responsible for holding chiefs to account for the exercise of such duties, including their collaborations with ambulance and/or fire services.
- ▶ Holding Chief Constables to account for compliance with Section 35 (VfM) requirements, providing a further opportunity for PCCs to seek reassurance that appropriate collaborations

with emergency services to improve efficiency have been considered.

- ▶ PCCs possess statutory responsibilities for co-operative working and must have regard to the relevant priorities of each responsible authority (including fire and health partners), who may have distinct priorities for collaboration.
- ▶ PFCCs are members of Local Resilience Forums (LRFs) and can have input to collaboration during emergency and crisis situations, such as the COVID 19 pandemic (note: they are members of LRFs only in relation to their fire governance responsibilities).

For more information

For more information about Part One of the PCC Review, see section **1C WHAT NEXT FOR THE PCC ROLE**.

Also see www.apccs.police.uk/our-work/preventing-crime-building-partnerships.

6 NATIONAL POLICING GOVERNANCE

A THE NATIONAL GOVERNANCE LANDSCAPE

B THE ROLE OF CRIMINAL JUSTICE INSPECTORATES

C THE ROLE OF PCCS IN WALES



A THE NATIONAL GOVERNANCE LANDSCAPE

YOUR BITESIZE BRIEFING

The Home Office has established a set of national governance boards to support oversight of activity that helps meet the Government's ambition to reduce crime. These include:

- ▶ the NPB to discuss significant national policing issues;
- ▶ the Crime and Policing Performance Board (CPPB) to scrutinise the performance of the sector against the new national crime and policing outcomes; and
- ▶ the Strategic Change and Investment Board (SCIB) to identify policing priorities that require future investment and to review the progress of national programmes.

Policing has set up, with Home Office representation, a sub-board to the SCIB which is responsible for Digital, Data and Technology (DDaT). It carries out a more granular assessment of policing priorities that require future investment and reviews the progress of national programmes and the delivery of the 2030 Digital Strategy.

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

National Policing Board

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

The NPB, chaired by the Home Secretary, meets quarterly and the APCC Chair attends on behalf of PCCs along with, by invitation, the PCC who leads on a key item being discussed. Each meeting is usually framed around a key theme – this has included the Police Uplift Programme, serious violence, vulnerable victims/hidden crimes etc, the SPR and the PCC Review. The NPB reports up to the Crime and Justice Taskforce which is chaired by the Prime Minister and has had a particular

focus on tackling serious violence, including county lines, murder, and acquisitive crime.

National police and crime performance measures

In April 2021, the Home Office published its new national police and crime performance measures, which it had consulted on in the previous years. This is a set of high-level measures focusing on key government priorities. The CPPB will be responsible for reviewing performance against these measures with sector leaders, including PCCs.

Sub-boards

The Home Office has also set up two key sub-boards which sit under the National Policing Board, and can escalate issues to the Board when required. In turn, these sub-boards are in the process of setting up sub-sub boards.

Crime and Policing Performance Sub-Board

This sub-board has been created to provide a forum for oversight of the performance against the new national police and crime performance measures. It brings together representatives from across the policing sector to scrutinise and analyse key performance outcomes and discuss what measures can be taken to put or keep crime on a downward trajectory nationally. It met for the first time on 30 June 2020 and is meant to meet on a quarterly basis. Areas that have been the focus so far have included homicide, neighbourhood (acquisitive) crime (including use of the Safer Streets Fund) and serious violence. The PCCs who lead on the Performance Portfolio attend these meetings on behalf of all PCCs.

Strategic Change and Investment Sub-Board

This sub-board has been created to identify policing priorities that require future investment and to review the progress of national programmes funded through reallocations and services recharged back to policing to provide transparency, oversight and clarity on the benefits to wider law enforcement and the public. It met for the first time on 30 June 2020 and aims to meet on a quarterly basis. Areas that have been the focus so far have included homicide, forensics, some major digital law enforcement programmes delivered by the Home Office and Data Analytics. The PCCs who lead on Reform, Finance and DDaT all attend.

Police Uplift Programme Sub-Board

The PUP is the initiative to recruit 20,000 additional police officers. This has been identified as a once-in-a-generation opportunity to improve the diversity of the police workforce. The service met the initial target of recruiting 6,000 additional officers in year one and, as we move into year two, there is an increasing focus on recruiting officers that are representative of their communities. The APCC Workforce Lead attends this meeting.

Digital, Data and Technology Sub-Board

Given the range of programmes and scale of spending on DDaT (around £540m at a national level in 2021/22) a sub-board to the SCIB has been set up to:

- ▶ carry out the more detailed governance required in some areas;
- ▶ ensure that programmes and projects are delivering against their objectives;
- ▶ identify where additional investment is required; and
- ▶ ensure that the activity is in line with delivery of policing's 2030 Digital Strategy.

Day-to-day responsibility for delivery of the strategy and for the operation of the DDaT Sub-Board rests with the Police Digital Service (PDS) (a company owned by PCCs and formally known as the Police ICT Company), but which receives much of its funding from the Home Office, as it supports delivery of an £18.9m portfolio of programmes and projects. The APCC Leads for Technology and Finance, and the Chair of the PDS all sit on the sub-board.

Other developments

There are a number of other developments that are significant for the national police governance landscape – e.g., the *Independent Review of Serious and Organised Crime* and the review of the SPR, which was launched in October with the intention that it would be completed before the May 2021 elections. The SPR identifies areas where government has a responsibility to ensure that sufficient capabilities are in place to respond to serious and cross-boundary threats nationally – see section **2E POLICE (FIRE) AND CRIME PLANS**.

B THE ROLE OF CRIMINAL JUSTICE INSPECTORATES

YOUR BITESIZE BRIEFING

HMICFRS has the key responsibility for inspecting police forces and FRs in England. It cannot directly inspect PCCs in relation to policing, but will comment on PCCs if other inspection activity has raised issues where the PCC may have a role.

PCCs are required to respond to HMICFRS inspection reports within a fixed time frame and there is now an 'online recommendations register', enabling PCCs to enter their response directly onto the database.

PCCs will also have an interest in the work of other key inspectorates including Her Majesty's Inspectorate of Prisons (HMIP), the Crown Prosecution Service Inspectorate (CPSI) and Her Majesty's Inspectorate of Probation, with the latter becoming increasingly relevant as the new probation regime is put in place, giving PCCs greater responsibility for offender management.

This section provides an outline of the role of the inspectorates within the CJS that are likely to have a relationship with PCCs or comment on areas where PCCs have some responsibilities. These inspectorates include:

- ▶ HMICFRS;
- ▶ HMIP;
- ▶ the CPSI; and
- ▶ Her Majesty's Inspectorate of Probation.

Introduction

Inspections are a good tool for helping to hold forces to account and challenge other areas of the CJS. Each inspectorate within the CJS produces its own Joint Inspection Plan and, in addition, a Joint Inspection Plan is published annually, covering joint inspections conducted by two or more of the CJS inspectorates. Most inspectorates also publish annual reports setting out the key challenges to and successes of the services they inspect.

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. More information on this follows below.

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

HMICFRS has the key responsibility for inspecting police forces and more recently, the 45 FRs in England. They cannot

directly inspect PCCs in relation to policing, but they have long maintained their ability to comment on PCCs if other inspection activity has shown there to be problematic issues, in order 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, for instance, the NCA. This could include inspecting the OPCC if the PCC has taken on enhanced responsibilities under the reformed complaints system, where these are deemed to be force functions.

In relation to fire inspections, HMICFRS are responsible for assessing and reporting on the efficiency and effectiveness of the 45 FRs in England. There are on-going discussions between PFCCs and HMICFRS about whether inspection of governance should form part of the inspection process.

In relation to forces, HMICFRS broadly conduct 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 or aspects of force activity – these can be inspections of all forces or a representative range of forces.

HMICFRS also has the lead responsibility for 'supercomplaints', which are complaints about systemic issues, described in more detail in section **2G THE PCC ROLE IN THE POLICE COMPLAINTS SYSTEM**.

PCC responsibilities to respond to HMICFRS inspections

The provision requiring PCCs to respond to HMICFRS inspection reports (originally set out in the *Police Act 1996*), were amended through the *Policing and Crime Act 2017* ('the Act') to be more precise about time limits. The obligations under that Act are that:

- ▶ 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.
- ▶ 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
 - ▶ an explanation of why the local policing body has not taken, or does not propose to take, any action in response.

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

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 HMIP, which include inspections of police cells.

Crown Prosecution Service Inspectorate

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

Her Majesty’s Inspectorate of Probation

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

Other inspectorates

Occasionally HMICFRS also conducts joint inspections with non-CJS inspectorates, such as the Office for Standards in Education, Children’s Services and Skills (Ofsted) or the 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 CJS.

C THE ROLE OF PCCS IN WALES

YOUR BITESIZE BRIEFING

The Policing Partnership Board for Wales provides a bridge on policing issues between the devolved and non-devolved aspects of public service in which the police operate, it is attended by the four Welsh PCCs and Chief Constables and chaired by the First Minister.

A Cross-Party Group on Policing has been established with Senedd Cymru – Welsh Parliament. It receives a presentation on a theme from a PCC or policing lead, and may raise questions on any policing-related matter.

The Policing in Wales Group provides a forum to enable PCCs and Chief Constables to coordinate and scrutinise collaborative and partnership working and is chaired in 12-month rotation by the four PCCs in Wales.

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

This section explains how PCCs in Wales operate in a public sector that has been largely devolved to the Welsh Government, whilst policing has remained a reserved power under the responsibility of the UK Government and the Home Office. It sets out how the PCCs in Wales work with each other, the Welsh Government, Senedd Cymru – Welsh Parliament and Criminal Justice Partners in Wales, discusses the response to the COVID-19 pandemic and explains the key differences in terms of how policing in Wales is financed.

Working with Welsh Government and Senedd Cymru – Welsh Parliament

Welsh Government – The Policing Partnership Board for Wales

The four PCCs and four Chief Constables in Wales have given considerable thought to the way in which they organise themselves to relate more effectively with the Welsh Government and their devolved and non-devolved partners, whilst fully recognising that policing is not devolved.

The Policing Partnership Board for Wales provides a bridge on policing issues between the devolved and non-devolved aspects of public service in which the police operate.

The board is intended to work effectively with the current constitutional arrangements and to strengthen the understanding, arrangements, practices and interface between policing and the Welsh Government and other devolved governmental bodies.

It does not supersede or vary the legal duties of the Welsh Government, PCCs or Chief Constables. Chief Constables remain operationally independent. Ownership of the Board is with Policing in Wales; the PCCs and Chief Constables invited the First Minister to chair the group out of recognition for his role as the head of Welsh Government.

Senedd Cymru – Welsh Parliament Cross-Party Group on Policing

This Cross-Party Group on Policing has been established with Senedd Cymru – Welsh Parliament to engage with all Members of the Senedd (MSs) on policing challenges and how they relate to the devolved work of the Senedd. The purpose of the group is to provide a forum for MSs from different parties to meet in order to consider and discuss shared interests in particular subjects.

The MSs receive a presentation on a theme from a policing lead or a PCC, although they may raise questions on any policing-related matter with the PCCs and Chief Constables present.

Policing in Wales Group

The Policing in Wales Group provides a forum to enable PCCs and Chief Constables in Wales to co-ordinate and scrutinise collaborative and partnership working. The Chair of Policing in Wales is a PCC who performs the role for a period of 12 continuous months. The role rotates between the four PCCs in Wales so that they each chair the group during the period between scheduled elections for PCCs.

The Chair represents the interests of the group by working with the Chair of the Welsh Chief Officer Group (i.e. one of the Chief Constables in Wales), as and when necessary outside the formal meeting structure.

Criminal Justice in Wales Group

The Criminal Justice in Wales Group brings together senior leaders from across the CJS in Wales. As well as the PCCs, membership includes courts, prisons and probation, youth justice, CPS, the Welsh Government, police, health, and the voluntary sector. The group takes a joined-up, collaborative approach to address challenges facing the system within the context of the devolution settlement in Wales.

Response to the Covid-19 pandemic in Wales

The responsibility for responding to the COVID pandemic in Wales, including determining the relevant restrictions, is a matter for Welsh Government.

Policing in Wales has had regular access to Ministers and senior officials within the Welsh Government throughout the pandemic. The Chair of Policing in Wales has fortnightly meetings with the Deputy First Minister and fortnightly

meetings are also held between the PCCs and the Director of Local Government to discuss changes to the regulations. The Police Liaison Unit (PLU) established a formal embed in the Welsh Government Emergency Command and Co-ordination Centre (ECC(W)). That ensured policing in Wales was an integral part of the response arrangements to the pandemic. It enabled policing in Wales to engage directly with the Welsh Government and its lead officials on the response to the COVID pandemic. The Police Liaison Unit, which is located within the Welsh Government's main offices in Cardiff, has been particularly effective in that respect.

The 'four Es' approach – Engage, Explain, Encourage and Enforce – has been central to the response to the pandemic in Wales and the messaging has been clear that enforcement should only be used as a last resort.

Public Service Boards (PSBs) – Wales

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

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

Fire and emergency services collaboration

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

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

Finance

There are notable differences relating to the financial landscape within which the four Welsh PCCs must operate in Wales. The following subsections provide a high-level list of differences compared to English counterparts; the detailed elements and application of each can be obtained from the individual PCC's CFO.

Council Tax Precept

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

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

Core Government Grant

An element of a PCC's Core Government Grant is received directly from the Welsh Government Grant each year, in combination with that received directly from the Home Office.

Arrangements exist that no Welsh PCC will be disadvantaged in terms of annual changes to the Core Government Grant received compared to English counterparts; and vice versa.

Specific Government Grant

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

More information

Further information on the above may be obtained from the following links:

- ▶ [Welsh Government services and information](#)
- ▶ [The Policing Partnership Board for Wales](#)
- ▶ [Senedd Cymru – Welsh Parliament](#)
- ▶ [The Cross-Party Group on Policing](#)
- ▶ [Public Service Boards](#)

Also see the Welsh page of the APCC website at www.apccs.police.uk/cymdeithas-comisiynwyr-yr-heddlu-a-throseddu.

7 ENGAGEMENT AND TRANSPARENCY

A ENGAGEMENT WITH THE PUBLIC

B PROVIDING INFORMATION TO THE PUBLIC

C POLICE (FIRE) AND CRIME PANELS



A ENGAGEMENT WITH THE PUBLIC

YOUR BITESIZE BRIEFING

Effective engagement with all sections of the community, partners and the public is a fundamental part of the role of the PCC, as a representative of the public and their voice in policing.

Community engagement means involving the community in the decisions that are made in relation to crime reduction, community safety and about the police services provided for them.

Engagement activities should be aligned to the annual planning cycle, with sufficient time for them to be developed inclusively and for the collation, analysis and communication of findings.

It is important that engagement is fair and representative in terms of geography, demography, and identity, and includes those who may be under-represented, seldom heard or disengaged.

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

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

- ▶ obtain the views of local people on policing and have regard to those views¹;
- ▶ make arrangements for engaging with local people in setting police and crime objectives²;
- ▶ obtain the views of local people and Council Tax payers on budget and precept proposals²;
- ▶ obtain the views of victims of crime about matters concerning local policing¹; and
- ▶ engage the public on their budget proposals on an annual basis¹.

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

Engagement in practice

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

- ▶ website and social media (including the OPCC's website, Facebook page, blogs, Twitter feed, Instagram, webinars and Zoom meetings);
- ▶ face-to-face meetings – public health regulations permitting (including local surgeries, 'Meet your PCC' events and attendance at local events);
- ▶ newsletters and publications (including weekly columns in newspapers; 'You said, we did' feedback and leaflets on Council Tax to all households);
- ▶ Community Messaging and Neighbourhood Alerts;
- ▶ media (including interviews, 'question and answer sessions' on local radio and live streams);
- ▶ formal publications (including the PCC's Annual Report and Police and Crime Plan);
- ▶ external communications (press, newsletters and partner agency websites);
- ▶ TrackMyCrime (enabling victims of crime to access updates on progress of their case);
- ▶ the ICV Scheme;
- ▶ resident/service user reference groups and community advocates;
- ▶ volunteering roles;
- ▶ Police Cadets and Special Constabulary;
- ▶ community engagement work in local neighbourhoods;
- ▶ formal OPCC Scrutiny Panels;
- ▶ PCP webcasts;
- ▶ interactive surveys (such as online polls on key issues like road safety);
- ▶ co-ordinated campaigns; and
- ▶ general correspondence (letters, emails, freedom of information requests, phone calls, and complaints about the force etc.)

Key points to consider

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

¹ Section 17 *Police Reform and Social Responsibility Act 2011*, *Police Act 1996*, *Policing and Crime Act 2009* and *The Police Authority (Community Engagement and Membership) Regulations 2010* – the views of people in that area about matters concerning the policing of the area, and their co-operation with the police in preventing crime [and anti-social behaviour] in that area, obtaining the views of victims of crime in that area about matters concerning the policing of the area.

² Section 14 *Police Reform and Social Responsibility Act 2011* (amending Section 96 of the *Police Act 1996*) 3 Section 1(8)e and Section 34 of the *Police Reform and Social Responsibility Act 2011* – make arrangements for obtaining views of local people before a Police and Crime Plan is issued, and the views of the victims of crime on the plan.

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

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

Planned and purposeful

Generally, engagement activities should be aligned to the annual planning cycle, are afforded sufficient time to be effective and inclusive and should have sufficient time allocated to collate, analyse and communicate findings as part of the strategic decision-making process. It should provide the PCC with accurate and timely information on community views and expectations of policing, community safety and the CJS in order to:

- ▶ facilitate meaningful and informed debate with the Chief Constable and partners;
- ▶ make better-informed decisions;
- ▶ reduce the risk of failure;
- ▶ promote conditions for success; and
- ▶ work towards Police and Crime Plan outcomes.

Representative and inclusive

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

Collaborative and joined up

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

Cost effective and provides value for money

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

Receptive to change

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

Indicative of change

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

More information

www.apccs.police.uk/our-work/improving-public-accountability

B PROVIDING INFORMATION TO THE PUBLIC

YOUR BITESIZE BRIEFING

PCCs are legally required to publish specified information as set out in the Specified Information Order, including:

- ▶ details about them and their OPCC;
- ▶ financial information;
- ▶ information about properties, assets, and liabilities; and
- ▶ decisions and policies.

The Government plans to introduce a requirement for PCCs to also include information on their force's performance with respect to Government crime measures and HMICFRS PEEL inspections.

Under the *Freedom of Information Act 2000*, PCCs are required to publish an information scheme, setting out what information is available where for the public to access and to respond to freedom of information (FOI) queries from individuals.

PCC responsibilities for data protection and General Data Protection Regulation (GDPR) compliance is a complex area that touches on almost every function of the PCC and information sharing must be governed by formal agreements which PCCs will want to ensure are up to date.

This section sets out the requirements which the Government has placed on PCCs about the publication and provision of information to the public, to enhance the transparency and accountability of PCCs. It includes details about:

- ▶ *The Elected Local Policing Bodies (Specified Information) Order 2011*;
- ▶ the *Freedom of Information Act 2000* requirements placed on PCCs; and
- ▶ the *Data Protection Act 2018* and the GDPR which flows from it.

The Specified Information Order

The Specified Information Order is a legal requirement³ placed on PCCs to publish certain information to enhance the transparency and accountability of PCCs. In summary, this includes:

- ▶ **PCC details:** Name, contact details, salary, allowances, expenses, register of interests and the number of complaints against the PCC.

- ▶ **Office structure:** Information about the staff of the PCC's office, including number of staff; organisational chart; a breakdown of the demographics of the staff; job title, job specification, salary and names of senior employees; register of gifts and hospitality to members of staff. This includes information about any force or local authority staff who assist the PCC.
- ▶ **Financial information:** Financial information about the PCC's budget, precept, anticipated sources of revenue, expenditure, annual investment strategy, grants made by the PCC (with information about why the grant will secure improved outcomes and any conditions attached to the grant). Information about each item of expenditure (other than a grant) made by either the PCC or chief officer exceeding £500, including its purpose, the reasons why it represents value for money and the identity of the recipient.
- ▶ **Property assets and liabilities:** Information about the land/premises owned or occupied by the PCC/force; a copy of every contract over £10,000 to which the PCC or chief officer is a party; a copy of each invitation to tender issued by the PCC or chief officer over £10,000; a list of every contract under £10,000 to which the PCC or chief officer is a party, including the purpose of the contract and identity of the contractor.
- ▶ **Decisions made by the PCC:** A record of each decision of 'significant public interest' made by the PCC. Details of each public meeting to be held by the PCC; a copy of any agenda or related documents to be discussed at each public meeting; a copy of the minutes of each public meeting or of each meeting of 'significant public interest' which is not public.
- ▶ **PCC policies:** Information in relation to the conduct of the PCC and how complaints are handled; decision making procedures; records management and information security; retention and disposal of information; and whistleblowing procedures.
- ▶ **Community safety:** Information in relation to community safety and a copy of any report which the PCC has required from crime and disorder reduction partners.
- ▶ **ICVs:** Information in relation to ICVs and information on the local ICV scheme for which the PCC is responsible.

The Specified Information Order specifies the timescales for publishing this information, which varies according to the nature of the information. Most information needs to be updated quarterly, but some must be published as soon as possible after the PCC is elected, while some elements are tied to financial cycles.

Following Part 1 of the PCC Review, the Home Office plans to amend the Specified Information Order to include a requirement

³ *The Elected Local Policing Bodies (Specified Information) Order 2011* (2011 No. 3050), as amended by *The Elected Local Policing Bodies (Specified Information) (Amendment) Order 2012* (2012 No. 2479)

for PCCs to publish on their websites a narrative assessment of their force is performing in relation to the Government's crime measures (we understand this is the new National Police Outcomes Framework - to be published shortly) and HMICFRS PEEL inspections of their force area.

Transparency

Government intended that the Specified Information Order should be used to enhance transparency, by enabling local people to look at key information relating to the OPCC. In practice, however, the information available on PCCs' websites has been most used by the media and various arms of government, including the Home Office, Home Affairs Select Committee and the Committee on Standards in Public Life (CSPL), to check that PCCs are publishing information correctly. They have paid particular attention to PCC salaries, allowances and expenses, codes of conduct and registers of interests and hospitality. New PCCs may therefore want to ensure information about these matters is published promptly and correctly to avoid any difficulties in this respect.

The Order gives powers to the chief officer to prevent publication of police information for reasons linked to national security and the administration of justice. It is important to note that the order also requires the PCC to publish some information about the chief officer's expenditure and contractual arrangements. Commercially sensitive tenders/contracts may also need redaction before publication.

Freedom of information

The requirements around FOI have been in place for many years, starting with the publication of the *Freedom of Information Act 2000* ('the Act'). The Act applies to all public bodies, including PCCs, and contains two key requirements:

- ▶ to publish an information scheme, setting out what information is available where for the public to access (usually this will be on the PCC's website and consideration will need to be given to how this fits with the requirements of the Specified Information Order, as the two are not wholly aligned); and
- ▶ to respond to freedom of information queries from individuals (PCCs should they have the capacity to do this within their office, although some PCCs arrange for the force to provide this service).

The APCC has produced a model information scheme – available on request – which aligns the requirements of the Specified Information Order and FOI publication schemes, although most OPCC's will already have these arrangements in place.

There are a number of rules around replying to FOI requests, such as ascertaining that the request comes from a real person, adhering to strict timescales for replying and not

providing personal data. There are also some exemptions that could apply to the need to respond to FOI queries, ranging from commercial sensitivity to prejudice to the effective conduct of public affairs. Generally, these matters will be managed with skill by the OPCC staff, but if in doubt both the Information Commissioner's Office and the NPCC Central FOI Unit can be helpful.

The Data Protection Act 2018

The Data Protection Act 2018 was accompanied by a suite of regulations known as GDPR, which expanded on detailed requirements. GDPR was originally made under EU Law, but have been replaced by UK GDPR, which is very similar. There is a period of ongoing transition at present, which may hamper transferring personal data between the UK and EU, until the EU had completed the process of deciding the adequacy of the UK rules. The aims of the rules are to:

- ▶ ensure people can trust organisations to use their data fairly and responsibly;
- ▶ ensure that personal information (other than that collected for personal, family or household purposes) is treated in a standard way with certain safeguards; and
- ▶ to take a flexible, risk-based approach which puts the onus on organisations to think about and justify how and why they use data.

There must be a lawful basis for holding and processing personal data, and the personal data held must be necessary, reasonable and proportionate. For most PCCs the lawful basis will be a mixture of 'legal obligation', 'public task' and 'legitimate interest', depending on the reason the specific data is held – but your OPCC should have developed a schedule to be clear about which data is held for what purpose to observe the rules that apply through GDPR. In most cases (unlike for forces) the lawful basis will not be 'law enforcement' to which specific rules and exemptions apply.

Generally, PCCs do not need use 'consent' as their lawful basis for holding personal data, so do not need to ask for an individual's permission – this includes victims' data. But individuals still have rights to know what data is held about them, to request that that is corrected or deleted (in some limited circumstances the holder does not have to comply) or restrict how it is used. APCC has produced more detailed guidance for PCCs/OPCCs on GDPR generally and in relation to its impact on victims commissioning specifically, which is available on request. PCCs should have a well-publicised and easily accessible mechanism in place locally for people to ask to have their data deleted or its use restricted (although it should be made clear that this would limit the PCC's ability to help them).

This is a complex area, which touches almost every function of the PCC from the retention of their own staff data to police complaints and victims' services, further complicated by the need to routinely share information with partners, including their force, victims' services and multi-agency partnerships. Information sharing must be governed by formal agreements and PCCs will want to ensure these are up to date. The PCC's Chief Executive will be able to advise on this further.

More information

www.apccs.police.uk/our-work/improving-public-accountability

C POLICE (FIRE) AND CRIME PANELS

YOUR BITESIZE BRIEFING

PCPs comprise local councillors along with independent co-opted members and must reflect the political make-up of the councils or combinations of councils that nominate to them.

The PCP:

- ▶ supports and scrutinises the PCC;
- ▶ holds veto powers over the proposed precept and appointment of a Chief Constable;
- ▶ can require the PCC to attend meetings;
- ▶ in some limited circumstances can suspend the PCC and appoint an Acting PCC; and
- ▶ has a duty to deal with complains against the PCC.

The arrangements for PCPs differ in both Wales and London.

Panel composition

This depends on the number of local authorities in the 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.

Statutory role and powers

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 attendance);
- ▶ 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 (see section **2B THE POLICING PROTOCOL**) 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.'

The functions of the panel

The main statutory functions of the PCP are listed below:

- ▶ **Police and Crime Plan:** Review the draft plan and make a report or recommendations to the PCC.
- ▶ **Annual Report:** Arrange a public meeting to review the Annual Report and make recommendations.
- ▶ **Chief Constable appointments:** The power of veto in relation to Chief Constable appointments (excluding London) on a two-thirds majority vote (but this can be used only once, not in a second attempt to appoint).
- ▶ **Confirmation hearings:** The PCP is also empowered to hold confirmation hearings (with no power of veto) in relation to the appointment of the PCC's most senior staff:
 - ▶ the Chief Executive;
 - ▶ the CFO; and
 - ▶ the Deputy PCC (but note that, in this case, because the Deputy PCC is a political appointment and not made on merit, there is less room for the PCP to test the process by which the appointment was made).

- ▶ **Setting of precepts:** The power of veto in relation to setting the precepts (excluding London) on a two-thirds majority vote.
- ▶ **Reports and recommendations:** Publish any report or recommendations to the PCC.
- ▶ **Attendance and information:** Require the PCC to attend a PCP to answer questions, and require the PCC to supply relevant information to enable the PCP to carry out its functions (although there are some restrictions on the information which can be provided).
- ▶ **Complaints against the PCC:** Deal with and, where appropriate, resolve complaints against PCCs, or ensure that serious complaints are referred to the IOPC.
- ▶ **PCC suspension:** Suspend the PCC if they are charged with an offence which carries a maximum term of imprisonment exceeding two years.
- ▶ **HMICFRS:** Ask HMICFRS for a professional view when the PCC intends to dismiss a Chief Constable.
- ▶ **Acting PCC:** Appoint an Acting PCC where the incumbent PCC is incapacitated, resigns or is disqualified (excluding London).

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

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

London exceptions

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

- ▶ The London Assembly has the power to amend the Mayor's proposed budget for MOPAC.
- ▶ The London Assembly Panel has no formal role in the appointment or dismissal of the Commissioner of Police of the Metropolis or other senior police officers.
- ▶ The London Assembly Panel has the power to veto the appointment of a Deputy Mayor for Policing and Crime if the individual is not an Assembly Member.
- ▶ 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 and Social Responsibility Act 2011*: chapter 4 broadly covers the role and functions of PCPs.
- ▶ *Policing and Crime Act 2017*: Schedule 1, A1, sets out the functions of panels in relation to FRS where the PCC has taken on these functions.
- ▶ *Policing and fire governance: Guidance for police and crime panels* (2019) – prepared by the Centre for Public Scrutiny and published by the LGA.

Also see www.apccs.police.uk/our-work/improving-public-accountability.

8 WIDER POLICE COLLABORATION

A NATIONAL, REGIONAL AND CROSS-FORCE COLLABORATION

B SERIOUS ORGANISED CRIME AND REGIONAL ORGANISED CRIME UNITS

C COUNTER TERRORISM

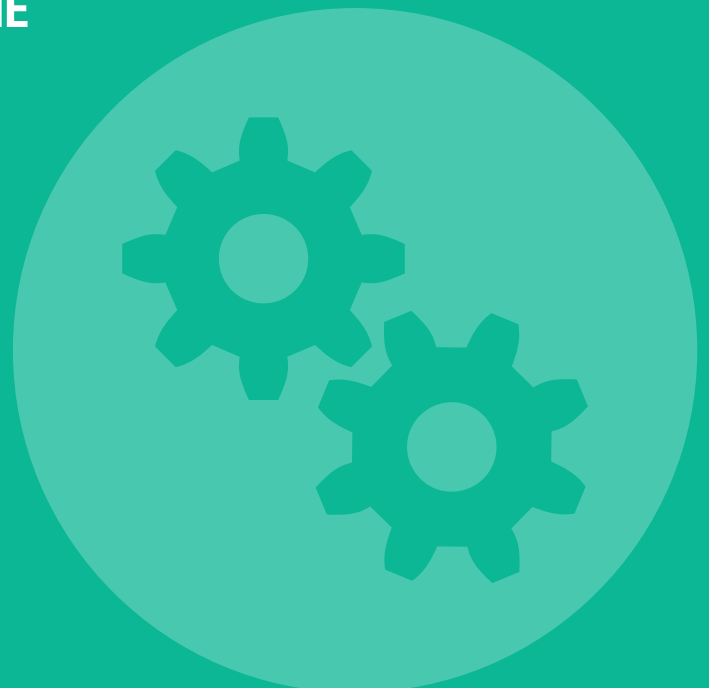
D THE STRATEGIC POLICING REQUIREMENT

E THE NATIONAL POLICE AIR SERVICE

F POLICE PROCUREMENT AND BLUELIGHT COMMERCIAL

G POLICE TECHNOLOGY AND DIGITAL

H THE CHANGING NATURE OF CRIME



A NATIONAL, REGIONAL AND CROSS-FORCE COLLABORATION

YOUR BITESIZE BRIEFING

There are several different types of collaboration which are covered by different legislation.

S22A collaboration agreements are made between two or more PCCs, or two or more police forces and PCCs – examples include collaboration on ROCUs and the national agreement on the Transforming Forensics programme.

Mutual aid arrangements are covered by S24 of the *Police Act 1996* and enable one Chief Constable to apply to another Chief Constable for assistance to meet any special short-term demand on the force resources.

There is a statutory duty on emergency services (police, fire, and ambulance) to keep collaboration opportunities under review and, where it is in the interests of their efficiency or effectiveness, to put them into practice.

Where collaboration with local authorities is in place, it is generally for back-office services.

This section sets out the main rules which apply to collaboration arrangements between police force and PCCs. It covers:

- ▶ S22A collaborations;
- ▶ mutual aid arrangements;
- ▶ ‘blue light’ collaboration; and
- ▶ collaboration with local authorities.

What legislation governs collaboration arrangements?

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

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

S22A collaboration agreements

S22A collaboration agreements can be used to achieve greater efficiencies of scale in back office services between one or more forces/PCCs. Equally, they can be used for operational collaboration and to spread more efficiently and consistently the provision of specialist operational services, for instance in relation to SOC or forensic services.

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

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

Because force collaboration agreements can provide for:

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

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

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

S22A template agreement

APAC2E has recently developed a template for S22A collaboration agreements. The main drivers for this development were to ensure:

- ▶ resources are saved (time and legal costs) – rather than having to commission lawyers to draft an agreement each time one is needed;

- ▶ PCC governance is bolstered, to enable effective oversight of the agreement, as expressed in the legislation; and
- ▶ there is one version of the ‘truth’ which will bring consistency across key provisions.

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

Regional collaboration arrangements

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

National collaboration agreements

There are a number of national collaboration agreements under S22A, to which all PCCs and chiefs are parties. These include:

- ▶ The collaboration agreement under which the NPCC was created and operates.
- ▶ The recent collaboration agreements for Transforming Forensics (under which efficiencies can be driven through new national forensics frameworks and processes, and support provided on quality standards and accreditation), and the agreement for the Forensics Collision Investigation Service, which performs a similar function in relation to road collisions.
- ▶ There are several other national collaboration agreements which include (but not exhaustively), the National Police Coordination Centre, National Police Freedom of Information and Data Protection Central Referral Unit, National Wildlife Crime Unit (NWCU), the National Police Air Service (NPAS) and the National Counter Terrorism Policing HQ. Mostly these relate to providing specialist policing services on a national basis.

Mutual aid arrangements

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

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

Blue light collaboration

The *Policing and Crime Act 2017* places a statutory duty on emergency services (police, fire and ambulance) 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. This is similar to the duty under S22A about police-to-police collaboration

As a result, PCCs have worked closely over the last few years with blue light services including ambulance and fire to help link up emergency service responses – at both an operational and strategic level, to help keep our communities safe. This includes sharing of buildings and joining up services at a local level, to help turn this duty into a reality on the ground. For instance, arrangements to provide mental health triage services for certain individuals where the police have been called to assist.

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

Local authority collaboration

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

B SERIOUS AND ORGANISED CRIME AND REGIONAL ORGANISED CRIME UNITS

YOUR BITESIZE BRIEFING

The working definition for SOC is individuals planning, coordinating, and committing serious offences, whether individually, in groups and/or as part of transnational networks. This comes from the 2018 *Serious and Organised Crime Strategy*.

SOC includes inter alia, illegal drugs, firearms, economic crime, corruption, exploitation-related crimes, and cyber crime.

The NCA is the national law enforcement agency, with responsibility to for leading the UK's fight to cut SOC, and a scope extending to crimes committed across the UK and with an international reach.

ROCU form a critical part of the national policing network, providing a range of capabilities including undercover policing, specialist surveillance, and cyber crime investigation.

This section provides a high-level overview of the infrastructure and capabilities to deliver the response to SOC in England and Wales. This does not apply to Scotland or Northern Ireland.

In the UK, no single official or body is in overall charge of the response to SOC. Rather, there are over 100 government departments, law enforcement bodies, agencies and other organisations involved in tackling this type of crime. Operationally, the NCA leads and coordinates the UK's response. It also publishes its annual *National Strategic Assessment of Serious and Organised Crime*, highlighting key findings and trends.

The UK Government and the devolved administrations in Northern Ireland and Scotland are responsible for policy, including serious and organised crime. In England and Wales, the Home Office has overall responsibility for policy, strategy and funding, including the publication of the *Serious and Organised Crime Strategy*.

What is serious and organised crime?

There is no legal definition of SOC in England and Wales. The 2018 *Serious and Organised Crime Strategy* defines it as individuals planning, coordinating, and committing serious offences, whether individually, in groups and/or as part of transnational networks.

The main categories of serious offences covered by the term are:

- ▶ border vulnerabilities (trafficking of criminal commodities across borders);
- ▶ illegal firearms;
- ▶ cyber crime;

- ▶ fraud;
- ▶ drug trafficking;
- ▶ money laundering and illicit finance;
- ▶ modern slavery and human trafficking;
- ▶ organised immigration crime;
- ▶ kidnap and extortion;
- ▶ child sexual abuse (CSA) and CSE; and
- ▶ bribery, corruption and sanctions evasion.

These offences are often committed by groups of people, known as Organised Crime Groups. Both the United Nations Convention Against Transnational Organised Crime and the European Union use an internationally shared definition of an OCG: 'A group of three or more persons existing over a period of time acting in concert with the aim of committing crimes for financial or material benefit.'

Those who commit the offences associated with SOC often use violence, corruption, and intimidation to protect their criminal activities. They may also use professionals such as lawyers and accountants for assistance in managing their enterprises.

The policing response to SOC

There are three levels to the policing response to SOC:

- ▶ national, led by the National Crime Agency;
- ▶ regional, led by ROCUs; and
- ▶ local, led by forces.

National Crime Agency

The NCA is the UK's national law enforcement agency. Its mission is to protect the public by leading the UK's fight to cut SOC, and its scope extends to crimes committed across the UK and with an international reach.

NCA officers work at the forefront of law enforcement to build the best possible intelligence picture of SOC threats, pursue the most serious and dangerous offenders and develop specialist capabilities on behalf of law enforcement. The NCA works with PCCs and police forces at home and abroad, to deliver a whole system response to SOC, protecting the public from this serious national security threat.

Every year, the NCA publishes its *National Strategic Assessment of Serious and Organised Crime*, which sets out the threat in detail. The most recent assessment for 2020, can be accessed on the NCA's website at www.nationalcrimeagency.gov.uk.

Regional Organised Crime Units

ROCUs form a critical part of the national policing network. They provide a range of specialist policing capabilities to forces which help them to tackle serious and organised crime effectively. These capabilities include undercover policing, specialist surveillance, and cyber crime investigation.

ROCUs investigate and disrupt organised crime groups operating across police force boundaries, and some provide support to investigations into other types of crime such as homicide and kidnap. ROCU also act as an important point of connection between police forces and the NCA. By their nature, many ROCU activities are not carried out in the public eye; they conduct sensitive and sometimes covert operations. Their work plays a vital part in protecting the public from serious and organised crime.

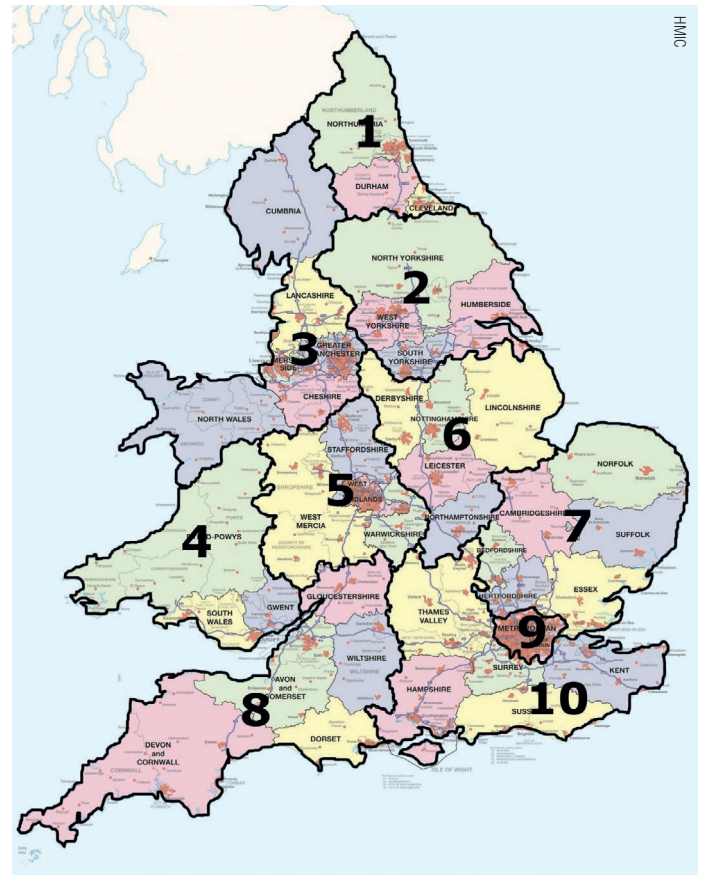
The number of capabilities made available to forces by ROCU has grown in recent years, and most ROCU are vastly bigger and better organisations than they were a few years ago. However, most ROCU have evolved in a piecemeal way since they were created and they continue to develop inconsistently. ROCU are structured in a variety of different ways, ranging from highly ambitious and effective cross-force collaborative units to smaller scale and less effective arrangements for sharing police force capabilities.

This variation in ROCU structures creates a risk that, in some places, local and regional capabilities are collectively insufficient to counter serious and organised criminal threats effectively and ensure that forces are meeting their obligations under the SPR. It also means that capabilities may be duplicated unnecessarily within forces. As a result, opportunities to build and strengthen a consistent national approach to tackling serious and organised crime are being missed.

SOC reform

Work has been going on with the APCC, NPCC and Home Office since the publication of the *Serious and Organised Crime Strategy* in 2018 to deliver the strategy and reform the SOC system. The aim is to achieve a SOC network owned by policing which is vertically integrated into the local and the regional, as well as horizontally connected with work being done elsewhere e.g. by the City of London (CoL). The tasking position also needs to be improved.

In October 2019, the UK Government announced an independent review, led by Sir Craig Mackay, to support this implementation work. However, shortly before the review was scheduled to be published, the COVID-19 pandemic irrevocably changed the funding landscape. The review was never published. We understand that the Home Office hope to publish a response in the next few months.



ROCUs and their regions 1 North East (NEROU) 2 Yorkshire & Humber (ODYSSEY) 3 North West (TITAN) 4 Southern Wales (TARIAN) 5 West Midlands 6 East Midlands (EMSOU) 7 Eastern (ERSOU) 8 South West (Zephyr) 9 London 10 South East (SEROUCU)

During the summer of 2020, the Home Office outlined a proposal for SOC reform including putting officers into the ROCUs through the PUP and a Minister-led board which would allow PCCs, Chief Constables, forces and ROCUs to prepare and develop themselves in a different way.

The SPR is also considered one of the first tools in getting consistency across the SOC network. This was discussed with the APCC, NPCC and the NCA through a series of roundtables. We anticipate the conclusions from these discussions will be included in the Home Office's published response.

Recent developments and next steps

In February 2021, HMICFRS published the results from an inspection of the ROCUs. It sought to establish how effectively and efficiently the ROCUs tackle the threat from SOC. It wanted to see how well ROCUs led the response to SOC while working with local police forces and other law enforcement agencies.

The resulting report *Regional Organised Crime Units: An inspection of the effectiveness of the Regional Organised Crime Units* highlighted a cause for concern. HMICFRS found that the complexity and short-term nature of ROCU funding has a significant detrimental effect on how well they operate. The inspection also found that local interests, rather than regional and national threat, risk, and harm, affected prioritisation.

The report recommended that by February 2022, the Home Office should lead work with the NPCC and the APCC to identify a sustainable funding model for ROCUs that:

- ▶ provides long-term clarity and certainty to the financial position of the ROCUs, to allow for future business planning and more financial stability; and
- ▶ enables ROCUs to lead the response to SOC in their region.

The APCC SOC Portfolio will be lead for this work, with the APCC Finance Portfolio and Home Office and NPCC colleagues.

More information

www.apccs.police.uk/our-work/developing-police-capabilities-tackling-serious-organised-crime

C COUNTER TERRORISM

YOUR BITESIZE BRIEFING

CT policing is undertaken by a collaboration of UK police forces working with the UK intelligence community.

There are nine regionally based Counter Terrorism Units (CTUs) across England and Wales which form the CT Policing Network.

The CT collaboration requirement is formally set out in a Section 22A Agreement signed by the PCCs, Deputy Mayors and Chief Officers who host the nine CTUs.

The collaboration requirement is overseen by the National Counter Terrorism Collaboration Agreement Strategic Board which is chaired by a PCC.

Counter Terrorism (CT) Policing is undertaken by a collaboration of UK Police Forces working with the UK intelligence community to help protect the public and national security by preventing, deterring, and investigating terrorist activity.

The CT Policing Network

There are nine regionally based Counter Terrorism Units (CTUs) across England and Wales which form the CT Policing network. The Metropolitan Police Service is the host force for the National CT Policing Headquarters and for national coordination functions.

The CT collaboration requirement

The CT collaboration requirement is set out in a Section 22A Agreement signed by the PCCs, Deputy Mayors and Chief Officers who host the nine CTUs. The collaboration oversees the police response to the threat of terrorism and its contribution to the delivery of the Government's CT strategy, known as CONTEST.

The Government's Counter Terrorism Strategy (CONTEST)

This strategy is based on four key objectives:

- ▶ **pursue** – we will stop terrorist attacks;
- ▶ **prevent** – we will safeguard those vulnerable to radicalisation;
- ▶ **protect** – we will strengthen our protection of the public; and
- ▶ **prepare** – we will mitigate the impact of a terrorist attack.

CONTEST deals with all forms of terrorism, except domestic terrorism in Northern Ireland, responsibility for which lies with the Secretary of State for Northern Ireland.

Key objectives of the collaboration requirement

The key objectives of the Section 22A Agreement are:

- ▶ to reduce the risk to the UK and its interests overseas from terrorism;
- ▶ for the parties to collaborate with each other in responding to threats of any form of terrorism and to tackling Allied Matters through national tasking and response coordination;
- ▶ to ensure effective collaboration with all police forces, operational partners (including the Security Service, Armed Forces, NCA and other intelligence agencies) and international partners;
- ▶ to ensure efficient and effective delivery of the CT policing grant;
- ▶ to ensure there are sufficient assets and resources available to respond to a terrorist threat and ensure preventative work;
- ▶ to form an integrated part and support the objectives of the wider SPR; and
- ▶ to harness innovation for the benefits of CT policing.

The National Counter Terrorism Collaboration Agreement (NCTCA) Strategic Board

The collaboration requirement is overseen by the NCTCA Strategic Board which meets a minimum of twice a year.

Membership comprises the PCCs, Deputy Mayors and Chief Officers who host the network of nine CTUs, plus the Home Secretary or his/her representative. The board facilitates a link between local accountability and the national response to the severe threat posed by terrorism. It also enables a single voice when dealing with key stakeholders.

The Board's role is to:

- ▶ oversee the delivery of the collaboration agreement;
- ▶ examine the annual CT policing grant setting process and ensure that funding is deployed in accordance with the principles of best value;
- ▶ consider the performance of CT policing against the national plan;
- ▶ ensure that the implementation of national strategy and policy within police forces is consistent, efficient, and effective;
- ▶ ensure appropriate oversight of the delivery of CT projects and activities which support and enhance the work of the CT policing and partner organisations.

The Chair and Vice Chair are elected by the Board.

Board members represent the views of regional PCCs at the meeting and are therefore expected to ensure appropriate communication and consultation on board matters and decisions.

More information

- ▶ [NPCC information about CT and allied matters](#)
- ▶ www.counterterrorism.police.uk
- ▶ [*CONTEST: The United Kingdom's Strategy for Countering Terrorism*](#)

D THE STRATEGIC POLICING REQUIREMENT

YOUR BITESIZE BRIEFING

The SPR identifies national crime threats and seeks to ensure that police forces are contributing to ensuring that national policing capabilities are available to address them.

The SPR supports Chief Constables and PCCs to fulfil their forces' responsibilities for national security and cross-border criminality. It helps PCCs to plan for policing challenges that go beyond their force boundaries with their Chief Constables.

PCCs are required to have regard to the SPR when issuing or varying their Police and Crime Plans. Chief Constables must have regard to both the Police and Crime Plans and the SPR when exercising their functions, and PCCs must hold them to account for doing so.

A revised SPR will be launched after the May elections, and will be expected to strengthen requirements around governance and accountability (e.g. by requiring all PCCs to refer to the SPR in their Police and Crime Plans).

Background

The SPR was first introduced in 2012 in execution of the Home Secretary's statutory duty under Section 77 of the *Police Reform and Social Responsibility Act 2011* to set out what are considered as national threats at the time, and ensure that the national policing capabilities required to counter those threats are available.

The SPR is structured in two parts:

Part A: the national threats (as of March 2021)

The national threats are:

- ▶ terrorism;
- ▶ SOC;
- ▶ national cyber security incident;
- ▶ public order;
- ▶ civil emergencies; and
- ▶ CSA (included in a 2015 revision of the SPR).

Part B: the police response

Part B outlines the policing requirement to counter the threats set out in Part A, in terms of the 5Cs: capacity and contribution, capability, consistency and connectivity. The operational detail

is set out in professional assessments drawn up by the police, working in conjunction with PCCs and the CoP.

PCCs and Chief Constables are expected to work collaboratively across force boundaries and regions to determine the most effective and cost-efficient manner of implementation in order to maintain sufficient levels of appropriate resource to meet operational needs. PCCs should hold Chief Constables to account for each of these five areas and must have regard to the requirement for each national threat when setting their local police and crime plans.

Framework

The SPR works to support and guide Chief Constables and PCCs to ensure they fulfil the forces' responsibilities to national security and cross-border criminality. It helps PCCs to plan effectively in consultation with their Chief Constables for policing challenges that go beyond their force boundaries. The SPR guides Chief Constables in the exercise capabilities to counter the national threats, and empowers PCCs to hold their Chief Constable to account for delivery of these functions.

Statutory obligation

PCCs are required to have regard to the SPR when issuing or varying their Police and Crime Plans. They must keep the Police and Crime Plan under review in the light of any changes made to the SPR by the Home Secretary. Chief Constables must have regard to both the Police and Crime Plan and the SPR when exercising their functions, and PCCs must hold them to account for doing so.

SPR review 2020/21

The Home Office began their most recent review of the SPR in the autumn of 2020, with a revised SPR document to be published after the PCC Elections 2021. The review is looking into three main areas of the SPR:

- ▶ threats;
- ▶ police response and capabilities; and
- ▶ accountability and governance.

In reviewing the SPR, the Home Secretary must consult national policing stakeholders, including the APCC. The APCC has been involved in the process of the review, particularly around the accountability and governance section and the role of PCCs to ensure the SPR is being adhered to.

Following the SPR review, it is anticipated that:

- ▶ PCCs will be required to refer to the SPR in their Police and Crime Plans – with a standardised statement for all PCCs to

include an explanation of what the SPR is and its purpose, including:

- ▶ an explanation of how the SPR has been considered;
- ▶ how the SPR has influenced the strategic direction in the Police and Crime Plan; and
- ▶ how the PCC will hold their Chief Constable and force to account for adherence to the SPR;
- ▶ PCCs will publish an annual assurance statement in their annual reports; and
- ▶ the APCC will produce an annual summary of assurance statement to the Home Office for discussion at the national SCIB.

These changes have been sought to provide the Home Secretary with assurance that the SPR is more visible to the public and that PCCs make specific reference to the SPR in their Police and Crime Plans and scrutinise and hold their Chief Constables to account for adherence.

E THE NATIONAL POLICE AIR SERVICE

YOUR BITESIZE BRIEFING

The NPAS National Strategic Board meets quarterly and approves NPAS spending plans and budgets and it manages the strategic direction of NPAS on behalf of the 44 signatories to the Section 22A Agreement.

A new Direct Cost Charging (DCC) model was implemented on 1 April 2021.

Work is currently underway to take forward key governance issues.

The Board is progressing fleet replacement which includes outsourcing of the London arrangements.

From 10 May 2021, West Yorkshire Combined Authority will become the legal entity for the purposes of holding the contracts and the assets of NPAS. Work is now starting to find a 'longer-term home' for the NPAS.

General background

The police service has used aviation assets in various guises to support operational policing since 1920 and by the 1980s the use of helicopters to deliver an airborne search and surveillance capability was becoming established in England and Wales. The NPCC (formerly the Association of Chief Police Officers (ACPO)), published an initial police aviation strategy in 1995 and this laid down support for the introduction of police aviation capability in all force areas that identified an operational requirement. By 2008 there were 31 individual air support units operating 33 aircraft across England and Wales with additional units in Scotland and Northern Ireland.

Specific background

Opportunities were identified to deliver a more efficient and effective future air support provision. In October 2010, chief officers agreed to bring together air support nationally through a single national collaboration. The NPAS was formed and started going live on a region-by-region basis at the end of 2012. By 2016 a single national collaboration for the delivery of air support to policing in England and Wales was in place. It delivers 24-hour specialist air support to the 43 Home Office police forces across England and Wales plus British Transport Police against a strategy set by the NPCC. At present, the NPAS operates 19 helicopters and four aeroplanes to deliver police air support across all force areas nationally from 14 geographically separated bases.

A decade on from that 2010 paper, the position is that anticipated savings and efficiencies have now been realised. However, the NPAS helicopter fleet is ageing and in need of

urgent replacement and the NPAS are not able to meet the new user requirement without significant capital and/or revenue investment from HM Government and the police service required to replace the ageing fleet. Work has been ongoing to address this.

Organisation overview

Police air support is mandated as a function that must be delivered through a single national collaboration under Section 22 of the *Police Act 1996*. The statutory instrument mandating this national collaboration was issued by the then Police Minister the Rt Hon Nick Herbert and came into force on 29 June 2012.

The NPAS adopts a lead force model with the West Yorkshire Police Chief Constable assuming ultimate responsibility for operational delivery. West Yorkshire Police Authority (later superseded by the Police and Crime Commissioner for West Yorkshire) is the legal entity for the NPAS for governance purposes. In May 2021 the new West Yorkshire Combined Authority will take over responsibility for policing functions in West Yorkshire and this presents challenges and opportunities for the future of the lead force collaboration on NPAS.

NPAS National Strategic Board

This board is intended to manage the air support collaboration at a strategic level. It is attended by PCC and Chief Constable representatives from the six NPAS regions present at the formation of the NPAS. The Lead Force Chief Constable and PCC, NPCC Aviation Portfolio holder, Independent Assurance Group Chair, Home Office and others attend as required or appropriate. The NSB meets quarterly and approves NPAS spending plans and budgets and it manages the strategic direction of the NPAS on behalf of the 44 signatories to the Section 22A Agreement.

Funding arrangements

Initially, when a force joined the NPAS collaboration it was assigned a charge and a mutually agreed number of 'flying hours' to each force. This service was then delivered by the NPAS fleet, with no rebate if the allocation was not used in full. The model was perceived to be unequitable, and a replacement sought.

The NPAS Board considered 61 different finance models before forces voted to introduce 'Actioned Calls for Service'. NPAS developed a budget based on demand and operational requirements. This is provided through contributions from each force. The concept was that forces applied a threat, harm, and risk assessment to identify those incidents where it was felt air support could be a benefit. The model was introduced from January 2016 and force contributions were calculated in proportion to the number of action calls made by each force in the previous calendar year.

Direct Cost Charging

The NPCC Aviation Review Team have developed a DCC model. This model was supported by the Chief Constables' Council and subsequently approved by the NPAS National Board in December 2020. Budgeted costs have been analysed into those costs directly attributable to a region either via allocation of cost on an agreed basis, or directly due to the location of a base or the use of flying assets. Variable costs have been allocated directly where appropriate based on the user requirement, as they are driven by flying hours or allocated as part of an NPAS national cost for training and transit hours. The new DCC model was implemented on 1 April 2021.

Revenue and capital budgets

The 2021/22 revenue budget for the NPAS has been set at £42.553m. 2021/22 will be a transitional year and, as such, full year effects of savings delivered by the revised operating model will be reflected in the 2022/23 budget. The NPAS capital grant from the Home Office for 2020/21 is £11.5m.

User Requirement

The User Requirement for 2021/22 was finalised in December 2020 and has been set at 11,830 rotary hours across all forces together with 890 fixed wing hours focussed into the North East region. Delivering the User Requirement is the fundamental driver in determining what resources are required in 2021/22.

The future of the NPAS

Work is currently underway to take forward key governance issues, including:

- ▶ creation of a single national board that brings clear strategic leadership and direction for all aspects of police aviation, including local drones, counter drone activities and aviation futures;
- ▶ the principle that strategic aviation leadership requires an independent chair; and
- ▶ a review of the Section 22A Agreement.

Also, at the recent NPAS Strategic Board meeting in March 2021, a clear decision by PCCs and Chief Constables was taken on how to progress fleet replacement by way of taking the market outsource of London and replacement of seven aircraft for the NPAS for the rest of England and Wales to Full Business Case stage. NPAS and BlueLight Commercial have already commenced joint work on this as a result.

The functions of the PCC of West Yorkshire will be transferring to the Mayor of West Yorkshire on 10 May 2021 and the West Yorkshire Combined Authority will become the legal entity for the purposes of holding the contracts and the assets of the NPAS. Work is now starting to find a 'longer-term home' for the NPAS.

F POLICE PROCUREMENT AND BLUELIGHT COMMERCIAL

YOUR BITESIZE BRIEFING

The Government have for several years set efficiency savings targets, including requiring £100m cashable savings from procurement in the three-year period 2017/18 to 2020/21.

Savings for the three-year period to date are currently £117.3m as at the end of January 2020.

As part of the 2021/22 Spending Review settlement, law enforcement needs to find £120m savings in 2021/22. BlueLight Commercial have identified cashable savings opportunities of £20m in 2021/22. Procurement savings are anticipated from Fleet of £3m and from contingent labour of £1.4-2.3m.

Background

In 2016, a Ministerial target of £350m of savings (cashable and non-cashable) by March 2020 was set. It was met and surpassed in 2019, and by March 2020 around £380m savings had been delivered. As part of the Spending Review in 2018, a further target was set for policing to deliver £100m of cashable procurement savings by March 2021. Over £40m savings were delivered in both 2018/19 and 2019/20 and this last year the target was met and exceeded with the total now standing at £117.3m as at end of January 2020.

More recently, as part of the one year policing settlement for 2021/22, the law enforcement sector has been asked to deliver £120m of efficiency savings. The Government expects these to be delivered through a combination of improved procurement practices (including the delivery of £20m of savings through BlueLight Commercial) as well as savings in areas such as estates, agile working and shared/enabling services.

Efficiency in Policing Board

The Home Office has set up a new Efficiency in Policing Board. The intention is that the board will improve the evidence base on efficiencies delivered to date, identify opportunities for gains over this and future SR periods, share best practice in relation to the delivery of efficiencies, and monitor and support delivery of gains.

The board met for the first time in January and will meet again at the end of March. PFCC Roger Hirst and PCC Paddy Tipping represent the APCC. The board will be supported by a coordination committee that will have representatives of the different organisations in policing – including the APCC, BlueLight Commercial and the PDS (previously the Police ICT Company).

BlueLight Commercial

BlueLight Commercial was set up as an independent company in June 2020. Information about the BlueLight Commercial Board can be found [here](#) and information about its Senior Leadership Team can be found [here](#). All PCCs are members of the company and funding for the first three years is expected to come from the Home Office.

BlueLight Commercial was involved in a top-down and bottom-up assessment of potential savings last autumn, which identified savings opportunities totalling £70m over the next three years (annual profile £20m/£20m/£30m). They are active across a range of categories including: fleet and aviation; operations (including uniform, body armour, healthcare services); professional services (including contingent labour, PPE, police insurance); and property. BlueLight Commercial is developing a sustainability strategy and a social value toolkit and is taking action to support an increase in commercial capability and maturity across policing and partners through development and people management.

Initial work on aggregated national procurement has identified potential savings of £3m on fleet and £1.4-2.3m on contingent labour.

Further information on BlueLight Commercial can be found on its website at bluelightcommercial.police.uk.

G POLICE TECHNOLOGY AND DIGITAL

YOUR BITESIZE BRIEFING

The police service spends roughly £1.4bn a year on national and force-level technology, digital and data capabilities.

Digital and online poses significant new challenges for policing in the 21st century but offers real opportunities for a step-change in the way policing interacts with the public, manages information and conducts investigations and intelligence.

A set of about 25 digital, data and technology programmes are being delivered at the national level – costing about £600m a year – to transform the technological base of policing and achieve the digital ambitions of the Policing Vision.

A new *National Policing Digital Strategy* was launched by the APCC and NPCC in 2019 to provide a strategic framework for realising policing's digital ambitions over the next ten years. A new company has been launched (PDS, vested in the Police ICT Company) to provide a delivery vehicle for the strategy.

The APCC's objective is to support and develop PCC engagement and influence relating to technology and the digital and ICT landscape for policing, including the current major Policing and Home Office digital and technology programmes. We are prioritising the implementation of the new *National Policing Digital Strategy* and PCC involvement in the governance structures needed to bring coherence to the national technology landscape.

Overview: the digital challenge and opportunity for policing

In 2018, the police service spent about £1.4bn on technology and the IT budget is approximately 11% of the annual policing spend. Investment of over £600m a year is being allocated from the police budget to modernise and replace legacy technology systems and to support the achievement of end-to-end digitisation of the service. PCCs bring effective governance, oversight and scrutiny to this national expenditure to ensure value for money, grip and operational assurance.

The *Policing Vision 2025* recognises that 'online crime has... grown dramatically. The internet has provided the opportunity to commit new types of crime, enabled some crime types to be committed on an industrial scale and facilitated many forms of 'traditional' crime...' However, there are new opportunities for policing as new technologies offer radical new ways for the police

to deliver services and interact with the public, to manage and share data, information and evidence and to change the way that investigations and intelligence are conducted. The *Policing Vision 2025* envisages that, by 2025, '...digital policing will 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.'

The police technology landscape and the national digital strategy

A portfolio of major technology programmes and projects has developed in policing over the last five or six years to realise the digital ambitions of the *Policing Vision 2025*. This technology 'landscape' breaks down into two main areas of activity:

- ▶ **major law enforcement programmes** (10 major national technical infrastructure programmes including mobile communications, biometrics, law enforcement databases and national Automatic Number Plate Recognition (ANPR); based within the Home Office costing about £480m a year); and
- ▶ **national capability programmes** (a portfolio of 15 digital, data and technology programmes and projects based in policing costing about £39m a year).

However, it is recognised that an overarching strategic framework is needed to take forward these programmes and ensure best value in policing's spend on technology. In 2019, the APCC and NPCC developed a new, national 10-year *National Policing Digital Strategy*. It is designed to directly address the key issues in police technology – the fragmentation and lack of coordination in technology investment; challenges in both data sharing and use between and within forces; and cyber and digital skills deficits. It is a 'digital' strategy – how police forces use digital technology in their work and gain benefit from a range of digital solutions – but also considers the technology foundations needed to deliver digital transformation (e.g. infrastructure) and issues around data (such as standards and information security and data protection.)

Following its publication in 2020, work has been undertaken to develop a delivery capability for the strategy and this is now vested in the PDS, launched in April 2021.

The Police ICT Company/Police Digital Service

The Police ICT Company is owned by PCCs on behalf of policing, and was established as part of the response to the demand for police-led reform, becoming operational in 2015. Its function is to help policing to buy ICT better, manage it effectively and exploit new opportunities quickly. Following the publication of the *National Policing Digital Strategy*, the company was identified as the best delivery vehicle for the implementation of the strategy. In April 2021, the company relaunched as the PDS to reflect this

expanded role to support the consistent use of digital, data and technology across policing.

For further information, please visit the PDS website at pds.police.uk.

APCC aims and objectives 2020-21

By 2022 the APCC aims to see PCCs leading the effective governance and oversight necessary to secure the delivery of the *National Policing Digital Strategy*; achieving value for money for all the investment and spend on technology in policing and be on course to support the achievement of an end-to-end digitised police service as envisioned in the *Policing Vision 2025*.

Our objective is to support and develop PCC engagement and influence relating to technology and the digital and ICT landscape for policing, including the current major policing and Home Office digital and technology programmes. For the year ahead, the APCC Police Digital and Technology Portfolio Group has identified three key outcomes:

- ▶ **Technology strategy and governance:** To promote the role of PCCs in the effective governance needed to deliver the *National Policing Digital Strategy* and maintain oversight of the technology landscape.
- ▶ **Digital policing:** To support the achievement of end-to-end digitisation of policing in England and Wales in accordance with the objectives of the 10-year *National Policing Digital Strategy* and the *Policing Vision 2025*.
- ▶ **Major technology programmes:** To provide governance and oversight of the strategic direction and delivery of specific major programmes in the technology landscape funded in whole or in part from the police budget.

More information

www.apccs.police.uk/our-work/building-our-resources-infrastructure

H THE CHANGING NATURE OF CRIME

YOUR BITESIZE BRIEFING

The nature of crime is changing at the national and international level to become a more internet-based, organised threat.

The widespread use of the internet has created a new and increasingly unregulated space for crime to take place.

The development of new technologies allow organised crime groups to present a more sophisticated challenge for policing.

The increasingly complex nature of CSE means that some children can be both victims and perpetrators.

This section provides an overview of the changing nature of crime, with a focus on the key crime types of fraud, cyber crime and CSE. This section gives a national and international perspective on these issues with Chief Constables able to advise PCCs on more specific local crime trends.

Online crime

The widespread use of the internet and influx of new digital technology has transformed the nature of crime and created a new space for crimes to take place. These crimes are hidden from view and increasingly difficult to police due to the vast expanse of unregulated online space. The NCA, in the 2020 edition of their annual *National Strategic Assessment of Serious and Organised Crime*, has also warned that the 'bar to entry' into online and cyber crime has become progressively lower and technologies and networks become more accessible and easily available.

Fraud

One of the crime types that has massively expanded in recent years is fraud. Fraud is the most commonly experienced type of crime, affecting citizens, businesses and the public purse. The internet allows fraud to be committed on an industrial scale with the largest proportion of fraud being bank and credit account fraud. To improve the response to fraud in England and Wales, the APCC has established a PCC-led Fraud Forum which aims to bring partners together to share knowledge and experience of fraud initiatives and provide PCCs with support on effectively holding their forces to account for their responses in this area.

Child sexual abuse/exploitation

The increasing digitisation of crime can also be seen within the area of CSA and CSE as perpetrators utilise social media and new technologies to live-stream abuse, share victim information

and create/distribute material. The NCA, in the 2020 edition of their annual *National Strategic Assessment of Serious and Organised Crime*, identified the growing use of the internet to groom children as one of their major threats and claim that CSA material can now be accessed via mainstream search engines in just three clicks.

Serious and organised crime

SOC is becoming a more sophisticated and complex policing challenge as organised crime groups diversify their operations, collaborate in new ways and make increasingly sophisticated use of technology. The NCA estimates that serious and organised crime costs the UK economy over £37bn a year and kills more people than any other threat to national security.

The tactics of cyber criminality is shifting to now take place on a massive scale due to the motivation of big profits for OCGs. The threats of hacking, phishing and malicious software can now be targeted at big businesses and allow gangs to commit 'volume fraud'. In their recent policy paper *Global Britain in a Competitive Age: The Integrated Review of Security, Defence, Development and Foreign Policy*, the Government reaffirmed that bolstering the response to SOC would be a priority, and more specifically tackling cyber crime committed by OCGs.

CSE: the blurred line between victims and perpetrators

CSE is a form of child sexual abuse. It occurs when an individual or group takes advantage of an imbalance of power to coerce or deceive a child into sexual activity, normally in exchange for something the victims wants/needs or for the financial advantage of the perpetrator.

The increasingly complex nature means that children can be both experiencing sexual exploitation and perpetrating it at the same time with some prevalent studies suggest that between a third to two-thirds of child sexual abuse is perpetrated by under 18s. As understanding of adverse childhood experiences (ACEs) develops, it is important to acknowledge that harmful sexual behaviour may be an indicator of prior abuse, neglect or trauma.

In January 2021, the Government published its *Tackling Child Sexual Abuse Strategy 2021* where it highlighted the importance of policing evolving to ensure that the safeguarding and welfare needs of children perpetrating CSA/CSE are met as well as the CJS route.

9 WIDER PARTNERSHIPS

A WORKING IN PARTNERSHIP

B NATIONAL PARTNERS

C STAFF ASSOCIATIONS

D COVID-19 IMPACT ON POLICING AND PCCS



A WORKING IN PARTNERSHIP

YOUR BITESIZE BRIEFING

PCCs need to work with a range of agencies to deliver their Police and Crime Plans and have a key role in convening and driving local partnerships – e.g. playing a leadership role in Community Safety Partnerships (CSPs) and LCJBs.

Currently, 18 PCCs are being funded by the Home Office to deliver VRUs, bringing local partners together to prevent serious violence by addressing its root causes.

PCCs and OPCCs may participate in a number of other key forums where they do not have statutory membership, including Health and Wellbeing Boards (HWBs) and LRFs.

There are a number of distinctive and successful partnership arrangements in Wales, including the Policing Partnership Board, which brings together PCCs, Chief Constables, the First Minister, representatives from the key UK Government departments and other key partners.

Introduction

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

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

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

Key partnerships

Community Safety Partnerships

Section 6 of the *Crime and Disorder Act 1998* requires the responsible authorities in a local government area – commonly

referred to collectively as a CSP – to work together to formulate and implement strategies to tackle local crime and disorder in that area.

CSPs are made up of representatives from the police, local council, fire service, health service, probation as well as others. 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 to them. CSPs have a responsibility to share their community safety agreement or partnership plan with the PCC for the force area and to work with PCCs more broadly. PCCs are expected to play a leadership role in bringing the CSP partners together to deliver outcomes for the public.

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

Local Criminal Justice Boards

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

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

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

Local Resilience Forums

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

PCC and/or OPCC involvement, and the APCC is pressing the Government for change in this area.

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

While PCCs are not statutory members, PFCCs are a partial exception to this rule. FRAs in England are Category 1 responders, and so PFCCs are statutory members of LRFs, but only with respect to their FRS responsibilities and not policing and crime reduction.

Violence Reduction Units

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

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

The 18 VRU areas are:

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

- ▶ Sussex;
- ▶ Hampshire; and
- ▶ South Wales.

Health and Wellbeing Boards

HWBs were established under the *Health and Social Care Act 2012* to bring key leaders from the local health and care system together to improve the health and wellbeing of their local population. They are significant local forums that bring partners together to discuss and address shared issues and develop 'joined up' approaches to them.

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

Partnerships in Wales

More detail on arrangements in Wales can be found in section **6C THE ROLE OF PCCS IN WALES**.

The Policing Partnership Board for Wales

The purpose of the Board is to:

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

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

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

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

Local Resilience Forums in Wales

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

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

B NATIONAL PARTNERS

This section contains information on wider police and crime partners not covered in earlier sections.

National partners

All-Party Parliamentary Group on Policing and Security

The All-Party Parliamentary Group (APPG) on Policing and Security is a cross-party group formed by MPs and Members of the House of Lords with a common interest in policing and security policy. The Chair is Sir Paul Beresford (MP for Mole Valley) and the Co-Chair is Lord Toby Harris of Haringey.

The APPG is sponsored by the APCC, the NPCC, the Police Federation, the Police Superintendents' Association, and the CoP, with the APCC providing secretariat support for meetings, suggesting topics for the group's agenda and supporting PCCs to address and participate in APCC meetings. Recent meetings have focussed on the policing response to the COVID-19 pandemic; the role of the IOPC; and tackling domestic abuse. In addition, the APCC recently hosted a session for MPs and Members of the House of Lords with the Commissioner of the Metropolitan Police Service, Dame Cressida Dick.

For more information, email the group's secretariat, Chloe Butcher, at chloe.butcher@apccs.police.uk.

College of Policing

The CoP 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. It is an operationally independent arms-length body of the Home Office, with almost 600 employees, including seconded officers and staff from forces.

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

www.college.police.uk

City of London Police

The City of London Police has an agreement with the Home Office to act as the [National Lead Force \(NLF\)](#) for fraud. The aim of the agreement is to protect the public by preventing and disrupting fraud through capable, coordinated, and effective policing. Under this agreement, the City of London Police is responsible for:

- ▶ setting the national fraud policing strategy and leading and coordinating the police response to fraud;

- ▶ co-ordinating national fraud reporting, including through Action Fraud; and
- ▶ national triaging and allocation of fraud cases and intelligence.

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

www.cityoflondon.police.uk

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.

The Home Office also supports national policing governance structures, notably the NPB and its sub-boards. It is responsible for the SPR that ensures that, where threats to public safety have national or regional dimensions, policing can deliver an effective response. It leads on police funding and is responsible for the police funding settlement. It is the lead department working on the PCC Review.

www.gov.uk/government/organisations/home-office

Independent Office for Police Conduct

The 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 independently investigates the most serious and sensitive incidents, complaints and allegations involving the police. The IOPC also compiles research from investigations and other activity to support 'Learning the Lessons' publications, aimed at improving how the police deal with complaints and other serious incidents.

www.policeconduct.gov.uk

International Crime Co-ordination Centre (ICCC)

The ICCC was established to provide continuity for UK Law Enforcement following the UK's withdrawal from the European Union. It provides a range of advice, support and guidance on policing measures and tools available to tackle international

criminality. The ICCC team is split into five desks staffed by relevant experts and which assist on:

- ▶ manhunting – locating people in the UK and overseas;
- ▶ judicial cooperation – gathering evidence and judicial records from overseas in support of UK investigations;
- ▶ police cooperation – gathering intelligence from overseas in support of UK investigations;
- ▶ missing people/vehicles and documents – locating vulnerable persons overseas and circulating property missing from the UK; and
- ▶ foreign national offenders – supporting UK policing to tackle foreign national offenders.

A regional single point of contact (SPOC) network supports forces through changes on a strategic and tactical level following EU exit, and gives them a voice 'at the centre'.

You can find out more about the ICCC and its work [here](#).

Local Government Association/ Welsh Local Government Association (WLGA)

The LGA and the WLGA is the national membership body for local authorities in England and Wales.

The LGA is a politically led and cross-party association (statements and press releases can often be released by the various political groups of members from within the LGA). The LGA's work to provide a national voice includes the following areas of focus:

- ▶ funding for local government;
- ▶ adult social care,
- ▶ health and well-being;
- ▶ children, education and schools;
- ▶ places to live and work (includes focus on anti-social behaviour and serious violence);
- ▶ strong local democracy; and
- ▶ sustainability and climate action.

LGA core membership comprises 339 of the 343 councils in England and includes district, county, metropolitan and unitary authorities along with London boroughs and the City of London Corporation. The 22 Welsh unitary councils are members via the Welsh LGA.

There are a range of areas where PCCs and local authorities overlap – e.g. PCCs have statutory responsibilities for holding partners, including local authorities, to account and also need to be aware of their priorities; local authorities have similar responsibilities to ensure a joined-up approach with PCCs.

APCC and LGA members come together to discuss areas of overlap and shared interest through joint events and meetings.

The LGA Business Plan 2019-2022 can be found [here](#) and leadership information can be found [here](#). Please see also the section on National Partners in Wales below.

www.local.gov.uk

www.wlga.gov.uk

Modern Slavery Network

The Modern Slavery Network is a vital platform to discuss and improve how different parts of the system can work together to combat human trafficking and modern slavery in all its forms. It is made up of PCCs from across England and Wales, the Independent Anti-Slavery Commissioner (IASC), the NPCC lead and the Home Office Modern Slavery Unit.

For more information, email Rebecca Hurlock, National Anti-Trafficking and Modern Slavery Network Coordinator, at rebecca.hurlock2@westyorkshire.pcc.pnn.gov.uk.

Ministry of Justice

The MoJ is the government department with responsibility for justice and the justice system; the courts; prisons; probation services and attendance services. It works closely with other government agencies including: the Children and Family Court Advisory and Support Service; the Criminal Injuries Compensation Authority; HM Courts and Tribunals Service; HM Prison and Probation Service; the Legal Aid Agency; the Office of the Public Guardian and the Youth Justice Board.

It is the lead department in government for victims with responsibility for the *Code of Practice for Victims of Crime* and funding for victims' services, working with PCCs and their offices. It provides support for the NCJB which is chaired by the Secretary of State for Justice and includes a PCC representative. The APCC works closely with MoJ Ministers and officials with current areas of work including:

- ▶ addressing court backlogs and victim attrition;
- ▶ funding for victims' services;
- ▶ VAWG and domestic abuse;
- ▶ the PCC role in probation and reducing reoffending; and
- ▶ the role of LCJBs.

www.gov.uk/government/organisations/ministry-of-justice

National Audit Office (NAO)

The NAO scrutinises public spending for Parliament to help government to improve public services, nationally and locally. It audits the financial statements of all central government departments, statutory agencies and other public bodies, and report to Parliament. Its other work includes:

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

www.nao.org.uk

National Business Crime Centre (NBCC)

The NBCC is overseen by the NPCC Business Crime Lead, Commissioner Ian Dyson (CoL). The objectives of the NBCC are to:

- ▶ improve partnership with the business community and raise national police standards, to accurately understand and reduce the impact of crime;
- ▶ enable business to target resources more efficiently, through effective intelligence and information exchange, disrupting organised business criminality at a national level; and
- ▶ prioritise prevention, enabling businesses to protect themselves from cyber, fraud and terrorism by being a conduit of best practice and a centre of excellence supporting all businesses throughout the UK.

nbcc.police.uk

National Crime Agency

The NCA is the lead national agency on SOC and investigates:

- ▶ border vulnerabilities;
- ▶ illegal firearms;
- ▶ cyber crime;
- ▶ fraud;
- ▶ drug trafficking;
- ▶ money laundering and illicit finance;
- ▶ organised immigration crime;
- ▶ kidnap and extortion;
- ▶ CSA and CSE; and
- ▶ bribery, corruption and sanctions evasion.

As well as investigating crimes involving some of the most serious and dangerous offenders, it has a strategic role in analysing organised crime operations, assessing how they can be disrupted and building up an intelligence picture of SOC threats. It provides specialist capabilities for law enforcement which it would not be cost effective for every police force to maintain (e.g., major crime investigative support and a network of international liaison officers). It also supports and protects victims and survivors from

the outset of an investigation through to prosecution at court, and beyond if necessary. It works closely with ROCUs.

www.nationalcrimeagency.gov.uk

National Police Chiefs Council

The NPCC is the national organisation for chief officers, co-ordinating national policing operations and providing a national operational policing input into policy development and policing governance structures, such as the NPB and its sub-boards. The decision-making forum for the NPCC is Chief Constables Council, which meets quarterly, with work on specific areas led by 12 national co-ordinating committees, each chaired by a Chief Constable, and with a number of leads based in forces responsible for leading on individual topics and strands within each of these 12 areas.

The NPCC is underpinned by a legal agreement under Section 22A of the *Police Act 1996*, which is signed by both Chief Constables and PCCs. The NPCC is hosted by the Metropolitan Police Service but is independent of it. The NPCC membership elects a full-time Chair, who holds the office of Constable and the rank of Chief Constable under the *Police Reform Act 2002*. Martin Hewitt is the current Chair of the NPCC.

An Audit and Assurance Board, which includes three PCC representatives, is responsible for the governance and oversight of the NPCC, including risk management, financial scrutiny, oversight of the NPCC's policies and procedures and performance against its Annual Delivery Plan.

The Home Office has invested £3.2m for 2021/22 in a pathfinder phase for a new NPCC Operating Model which will significantly expand its central resourcing with the creation of a Strategic Hub to support the NPCC's work.

www.npcc.police.uk

National Fire Chiefs Council (NFCC)

Established in April 2017, the NFCC replaced the Chief Fire Officers Association with the aim of providing clear, professional advice to government (including devolved administrations) and the wider fire sector on matters such as professional standards, operational guidance, research and sharing best practice, while supporting the whole of the UK FRS. Membership includes all UK Chief Fire Officers.

The NFCC's Chair, a full-time and paid-for role, is currently Mark Hardingham (appointed April 2021). The chair is appointed by NFCC members for an initial two-year term, with the possibility of extension up to two further years depending on satisfactory performance. Chairs must have CFO experience. The Chair's role largely revolves around providing effective representation and engaging with national partners, including the APCC.

The NFCC conducts most of its business via several co-ordination committees. Committees are chaired by fire service representatives, not necessarily CFOs, and topics include workforce, operations, sector resources, finance, prevention, building safety and sector improvement and assurance. The APCC and NFCC have positive working relations with the chair and APCC Chief Executive meeting regularly. The APCC's Senior Policy Manager with responsibility for Fire and Emergency Service Collaboration is invited to key meetings with the NFCC including their Strategic Engagement Forum and National Conferences.

www.nationalfirechiefs.org.uk

National Police Co-ordination Centre (NPoCC)

The NPoCC is responsible for coordinating the deployment of police officers and staff from across UK policing to support forces during large scale events, operations and in times of national crisis – e.g. large scale flooding, civil emergencies and large organised demonstrations. Its remit is to:

- ▶ co-ordinate and broker mutual aid in both steady state and crisis;
- ▶ co-ordinate a continuous testing and exercising regime for effective mobilisation in a crisis;
- ▶ co-ordinate, collate, and act as a national repository for capacity and capability in relation to the SPR and National Policing Requirements on specialist UK policing assets;
- ▶ develop reporting mechanisms with the Home Office and Government crisis management; and
- ▶ support the Chair of the NPCC on the Civil Contingencies Committee (COBR) during times of national crisis and for large-scale events.

www.npcc.police.uk/NPoCC

National Probation Service

The NPS for England and Wales is a statutory criminal justice service with responsibility for the supervision of offenders in the community and is part of Her Majesty's Prison and Probation Service, which is overseen by the MoJ. It currently works with around 30,000 offenders a year, with responsibility for supporting their rehabilitation while protecting the public.

From June 2021 the NPS will be responsible for managing all those on a community order or licence following their release from prison, with 11 new probation areas in England, each overseen by a new dedicated Regional Probation Director with responsibility for strategic leadership and delivery and commissioning of probation services. Existing arrangements will remain unchanged in Wales. PCCs will be looking at the additional opportunities in the new

probation arrangements to work closely with the probation service and other key partners to reduce re-offending.

www.gov.uk/government/organisations/national-probation-service

National Rural Crime Network (NRCN)

The NRCN, first established in 2014, highlights and addresses the problem of crime in rural areas.

It comprises PCCs, the police and a range of other bodies with an interest in community safety and rural affairs. PCC members of the NRCN pay a small annual fee to be part of the network and this pays for research to be carried out, including national surveys and qualitative studies, as well as for communications and administrative support for the Network. In summary, the NRCN objectives are to:

- ▶ give rural communities a voice;
- ▶ act as a multi-agency think tank on rural policing and criminal justice policy and practice;
- ▶ protect the rural economy by influencing and improving policy regarding rural policing and community safety, actively seeking to change legislation where necessary;
- ▶ become a central hub for practitioners, encouraging national and regional outlets for discussions on rural crime issues; and
- ▶ increase reporting of rural crime and wider community safety issues.

www.nationalruralcrimenetwork.net

Police Digital Service

The PDS (formerly 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 VfM and provide 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.

pds.police.uk

Voluntary and community organisations

PCCs work with and commission services from a wide range of voluntary and community organisations (VCOs), both with

national VCOs – e.g. Crime Concern, Victim Support, and Nacro – and local charities. VCOs are independent of government and their primary purpose is social impact, whether through running services or campaigning and influencing policy.

Often VCOs will support and employ volunteers alongside of paid staff, and many small community groups will depend on volunteering.

While charities are the largest single category within the voluntary sector, it also includes community benefit societies and co-operatives, not-for-profit community businesses and social enterprises, as well as small informal community groups. VCO organisations can also provide a voice and representation for people who are marginalised or less likely to be heard, and who may be disproportionately affected by crime and/or have different experiences of policing and the CJS.

For more information, visit the website of the National Council for Voluntary Organisations (NCVO).

www.ncvo.org.uk

National partners in Wales

The Welsh Government

The Welsh Government (Llywodraeth Cymru) is the devolved government for Wales. The government consists of Ministers (who attend cabinet meetings) and Deputy Ministers (who do not) as well as a Counsel General. It is led by the First Minister, usually the leader of the largest party in the Senedd Cymru – Welsh Parliament, and currently Mark Drakeford, who then selects Ministers and Deputy Ministers with the approval of the Senedd.

The responsibilities of the Welsh Government include:

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

The Welsh Government does not have responsibility for policing, which remains with the UK Government under the Home Office.

The Welsh Government makes decisions on matters in these areas, for Wales as a whole, develops policies and implements them, and proposes Welsh laws (Senedd Cymru – the Welsh Parliament Bills). The Senedd election was held on 6 May 2021 to elect 60 members to the Senedd Cymru – Welsh Parliament. It is the sixth general election since the Senedd (formerly the National Assembly for Wales) was established in 1999.

gov.wales

Welsh Local Government Association

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

Local councils have a statutory duty to have a community partnership in place. The WLGA works with Wales' Community Safety Partnerships, and a wide range of national partners, to ensure local government delivers on the community safety issues people feel most strongly about.

See also the section on the LGA above.

www.wlga.gov.uk

Audit Wales

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

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

The Auditor General is the statutory external auditor of most of the Welsh public sector. This means that he audits the accounts of county and county borough councils, police, FRAs, national parks and community councils, as well as the Welsh Government, its sponsored and related public bodies, the Senedd Commission and National Health Service bodies.

The Auditor General's role includes examining how public bodies manage and spend public money and how they achieve VfM in the delivery of public services. The Auditor General publishes reports on that work, some of which are considered by the Welsh Parliament's Public Accounts Committee.

www.audit.wales

C POLICE SERVICE EMPLOYMENT RELATIONS

YOUR BITESIZE BRIEFING

Although the management and direction of the police officer and staff workforce is an operational responsibility of the Chief Constable, PCCs retain a keen interest in the deployment, morale and motivation of the people delivering policing to communities.

Police officers and staff are effectively represented by national staff associations and trade unions. It is important to establish relationships with local branch representatives.

The APCC is a key stakeholder in the determination of pay for the police workforce, and this section outlines the different processes for police officers and police staff.

This section provides background on the different staff associations and trade unions representing police officers and police staff, it also outlines the pay determination processes for both groups.

Staff associations and trade unions

Police officers

Police officers are 'officers of the crown' rather than employees. As a consequence, they do not have full employment rights and most notably cannot go on strike or take other forms of industrial action. As office holders they do not have contracts of employment, instead their terms and conditions are in Police Regulations which are laid in Parliament. Police officers cannot be made redundant.

There are three police officer staff associations representing police officers: Police Federation, the Police Superintendents' Association and the CPOSA. All three are rank based:

- ▶ the Police Federation represents the 'federated ranks': Constable, Sergeant, Inspector and Chief Inspector;
- ▶ the Police Superintendents' Association represents the superintending ranks: Superintendents and Chief Superintendents; and
- ▶ CPOSA represents all ranks of chief officer: Assistant Chief Constable, Deputy Chief Constable and Chief Constable.

All three have very high levels of membership density (over 90%) perhaps largely due to the nature of the role and the representation members receive should they be subject to disciplinary proceedings or investigations relating to complaints. With their high levels of membership density, the staff

associations are powerful lobbying organisations and are able to speak authoritatively on behalf of the members they represent.

The APCC regularly meets with the police staff associations through the Police Consultative Forum.

The Police Consultative Forum is a voluntary body attended by the APCC, the NPCC, the Police Federation, the Police Superintendents' Association and CPOSA. It was formed following the demise of the Police Negotiating Board (the former pay and conditions negotiating body that was replaced by the Police Remuneration Review Body in 2014). The Police Consultative Forum was created in recognition that, without such a body, there would be no national forum for the employers (APCC and NPCC) and the staff associations to discuss industrial relations issues. The creation of the Police Consultative Forum has been warmly welcomed by the Police Remuneration Review Body.

Police staff

Police staff, unlike police officers, are employees and can take industrial action. There are three trade unions represented on the Police Staff Council (PSC):

- ▶ UNISON;
- ▶ GMB; and
- ▶ Unite.

UNISON has the most members working in the police service and provides the Trade Union Side Secretary to the PSC. The level of membership density of the police staff trade unions is much less clear than their police officer staff association counterparts and will vary quite widely from force to force.

PCCs meet and engage with the trade unions nationally on a quarterly basis through the PSC (see below).

Determination of pay and conditions

Police Remuneration Review Body

Background

Until 2014 pay and conditions for all ranks of police officer were negotiated through the Police Negotiating Board (PNB) and its sub-committees, a form of collective bargaining. In 2012, in his independent review of police officer pay and conditions, Sir Tom Winsor recommended that the PNB should be replaced by a pay review body process. The Government accepted the recommendation and in 2014 a new pay review body, the Police Remuneration Review Body (PRRB), was formed.

The PRRB makes recommendations to the Government on the pay of all police officers, up to and including the rank of Chief Constable.

The PRRB is made up of eight experts supported by a Secretariat provided by the Office for Manpower Economics.

The pay review body process

Every year the Home Secretary issues the PRRB with a remit letter covering issues of pay and conditions, the PRRB then collect evidence against the remit from the following consultees: APCC, NPCC, Home Office, Police Federation, Superintendents Association, Metropolitan Police Service and MoPaC.

Consultees submit written evidence to the PRRB. This is often supported by an oral evidence session which PRRB members use to gain a greater understanding of the evidence and also the views of consultees regarding the evidence of others.

The submission of APCC written evidence is overseen by the APCC Workforce Lead in consultation with all PCCs. The oral evidence is given by the Workforce Lead supported by the APCC Secretariat.

Having considered all the evidence, the PRRB makes recommendations to the Government which the Government can either accept or reject. The Government may choose to accept the recommendations of the pay review body in part rather than in full.

Police Staff Council

The vast majority of police forces are members of the PSC, the collective bargaining machinery which negotiates pay and core conditions of service for police staff. Forces outside the PSC are Essex, Kent, Surrey and Thames Valley. The Metropolitan Police Service is also outside the PSC – this is largely historical and dates back to when police staff in London were civil servants and as a result had very different conditions and pension arrangements to police staff in the rest of the country.

The PSC was historically funded by the Home Office but funding was withdrawn around the same time as the demise of the PNB. PCCs decided to fund the PSC going forward on the basis that the PSC provided a national framework with local flexibility; national negotiation avoided duplication of effort at a local level; the PSC had a track record of delivering affordable pay awards; and the PSC provided a national platform for employment relations.

The PSC meets quarterly. The seven seats on the Employers' Side are taken up by the APCC (four), the NPCC (two) and the Home Secretary (one). The three recognised trade unions that make up the Trade Union Side are UNISON, GMB and Unite. UNISON has by far the most police staff members nationally, although they are not necessarily the biggest trade union in every police force.

The APCC has the most seats on the Employers' Side and could outvote the NPCC and the Home Secretary but this has rarely, if ever happened, as the Side works on a consensus basis.

Negotiating pay is perhaps the most important business of the PSC. Should the Sides fail to reach an agreement on an annual pay award it is likely that the Trade Union Side will register a dispute and consider balloting their members over industrial action.

D COVID-19 IMPACT ON POLICING AND PCCS

YOUR BITESIZE BRIEFING

The COVID-19 pandemic has posed some unprecedented challenges for policing and the CJS, with PCCs playing a key role, including:

- ▶ scrutinising and holding policing to account on behalf of the public for the proportionate application of tools for policing lockdown and other restrictions, such as Fixed Penalty Notices (FPNs);
- ▶ ensuring the public are kept up to date and informed about the policing response to COVID-19, have a voice and understand and support the role of policing;
- ▶ collaborating with local partners to plan and deliver joined-up responses to the COVID-19 pandemic;
- ▶ working to secure and allocate additional funding for policing and other local services to respond to the COVID-19 pandemic; and
- ▶ highlighting the impact on victims and witnesses of COVID-19-related pressures on the criminal justice system – notably court backlogs – and providing a voice nationally and leadership of LCJBs.

Encourage and Enforce – with enforcement as a last resort. Many PCCs ramped up their scrutiny and several identified concerns about FPNs being used disproportionately against some communities, including BAME communities, and took steps to address these concerns.

- ▶ **Police legitimacy:** As the first lockdown continued, PCCs identified concerns about ‘COVID-19 fatigue’ and people risking action for failing to socially distance, for example. In some areas PCCs were also concerned about the imposition of (and changes in) restrictions on tourist spots, second homes etc. All these issues reflected a level of public resistance and raised concerns about undermining the legitimate role of policing. Concerns remain about the long-term impact of COVID-19 and the measures that have been taken to control it on crime and policing legitimacy.
- ▶ **Engagement with the public:** PCCs had a key role in reassuring the public and their local communities during and since the first lockdown. OPCCs have developed their use of video and online platforms to sustain their engagement with the public and with partners. Many have reviewed their websites and other digital media to ensure that they present information to the public effectively, and have increased reliance on online communications.

Financial issues

The COVID-19 pandemic and ongoing lockdowns have had a significant impact on policing finances, as forces have incurred costs in operationalising the COVID-19 response, maintaining business as usual, as well as in procuring, managing and distributing PPE across the policing service. The Home Office recently confirmed that the costs of all PPE would be reimbursed in full, including face coverings and costs associated with the storage and distribution of national stock.

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

More recently, in February 2021, the Minister for Crime and Policing confirmed that all PCCs would receive additional funding for managing COVID-19 financial pressures, including further money for those with airports and ports. This brought total funding for 2020/21 to £60m:

- ▶ £58m to address the wider pressures on policing resulting from the pandemic and to maintain COVID-19 enforcement activity, allocated according to the funding formula; and
- ▶ £2m to step up enforcement of COVID-19 rules at the borders.

The COVID-19 situation informed the decision by the Government to abandon plans for a three-year Spending Review in favour of

This section sets out the main impacts that the COVID-19 pandemic has had on policing and PCCs, including in relation to the wider CJS, and the steps that PCCs have taken to tackle issues which have arisen. See also section [6C THE ROLE OF PCCS IN WALES](#).

Lockdown period

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

- ▶ **Operation Talla:** This was the key operational response by police forces. It set up a mechanism to co-ordinate police activity and gather local data on a national basis to inform the policing response. The data gathered was published and circulated to PCCs, initially on a weekly basis (later a monthly basis). This covered information about things like police workforce absence, recorded crime trends (with a particular focus on domestic abuse, COVID-19-related incidents and anti-social behaviour), and FPNs issued – the main sanction used for those breaking lockdown rules.
- ▶ **Enforcement and scrutiny:** PCCs had a key role to play holding the police to account for proportionate application of the tools at their disposal under the first lockdown. This was focused on the ‘four Es’ approach – Engage, Explain,

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

Working in partnership and supporting victims

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

- ▶ **LRFs:** These are key local structures for dealing with civil contingencies and were the mechanism through which partnership work to tackle the pandemic was driven locally. Most PCCs or their offices had representation on these bodies (though in some cases there were initial difficulties with this), which enabled them to help shape the local response including the impact on policing and criminal justice bodies locally. However, in a few areas, PCCs continued to struggle to get representation on these bodies throughout the period and the APCC has been discussing with the Government a way forward on this.
- ▶ **Ministerial calls:** The APCC arranged for all PCCs to have weekly calls (later biweekly and then monthly) with Home Office and/or MoJ Ministers to help inform them about developments and enable them to ask questions of Ministers and raise local concerns and issues. This helped to alert Ministers to emerging issues locally and helped PCCs to make a case for, amongst other things, additional funding for victims and for forces, and the significant issues with local court backlogs.
- ▶ **Domestic abuse:** There were concerns from an early stage that lockdown had set up an environment in which domestic abuse could flourish. Working with the MoJ, PCCs provided evidence to help secure additional funding to support victims of domestic abuse, which was routed through PCCs so they could bolster local support services. The initial funding was only to cover an initial period until the end of October, but HM Treasury later agreed it could be used until the end of April 2021.

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

In addition, PCCs have made the case for police officers to be a priority group for COVID-19 vaccinations, noting that police forces have trained staff who would be able to administer vaccinations and manage the logistics if a supply of vaccine was available. The Joint Committee on Vaccination and Immunisation has, however, resisted these calls from PCCs, with those most vulnerable to severe illness and mortality prioritised. In some police force areas, police officers have been vaccinated with 'spare' vaccine that has been available once presenting need has been met and would otherwise have been disposed of.

The court system

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

PCCs remain concerned about the impacts on victims and witnesses of court cases being delayed, and the questions this raises about public confidence in the CJS. In some areas, PCCs have worked with local partners to source and make available to the courts other local public sector buildings that can be repurposed as 'Nightingale Courts'. The backlogs in Crown courts are an ongoing concern and PCCs are working closely with national and local partners to try to address them.

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

More information

The CoP has brought together a range of resources explaining the coronavirus (COVID-19) powers, specific guidance about new and changing crime and links to useful information from other policing sources at www.college.police.uk/guidance/covid-19.

ACRONYMS USED IN THIS DOCUMENT

AA Appropriate adult	HR Human Resources
ACE Adverse childhood experience	HWB Health and Wellbeing Board
ACPO Association of Chief Police Officers	IASC Independent Anti-Slavery Commissioner
ANPR Automatic Number Plate Recognition	ICCC International Crime Co-ordination Centre
APAC2E Association of Policing and Crime Chief Executives	ICVA Independent Custody Visiting Association
APCC Association of Police and Crime Commissioners	IOPC Independent Office of Police Conduct
APPG All-Party Parliamentary Group	IPCC Independent Police Complaints Commission
BAME Black, Asian and Minority Ethnic	JHWS Joint health and wellbeing strategy
BWV Body-worn video	JSNA Joint strategic needs assessment
CCG Clinical Commissioning Group	LCJB Local Criminal Justice Board
CCS Crown Commercial Services	LGA Local Government Association
CED Conducted-energy device	LQC Legally qualified chair
CFO Chief Finance Officer	LRFs Local Resilience Forums
CIPFA Chartered Institute of Public Finance and Accountancy	MHCLG Ministry of Housing, Communities & Local Government
CJA Criminal Justice Alliance	MoJ Ministry of Justice
CJS Criminal justice system	MOPAC Mayor's Office for Policing And Crime – London
COBR (or COBRA) Civil Contingencies Committee (Cabinet Office Briefing Rooms)	MSs Members of the Senedd
CoL City of London	NAO National Audit Office
CoP College of Policing	NBCC National Business Crime Centre
CPOSA Chief Police Officers Staff Association	NCA National Crime Agency
CPPB Crime and Policing Performance Board	NCJB National Criminal Justice Board
CPS Crown Prosecution Service	NCTCA National Counter Terrorism Collaboration Agreement
CPSI Crown Prosecution Service Inspectorate	NCVO National Council for Voluntary Organisations
CQC Care Quality Commission	NFCC National Fire Chiefs Council
CSA Child sexual abuse	NHS National Health Service
CSE Child sexual exploitation	NLF National Lead Force
CSP Community Safety Partnership	NPAS National Police Air Service
CSPL Committee on Standards in Public Life	NPB National Policing Board
CT Counter Terrorism	NPCC National Police Chiefs Council
CTU Counter Terrorism Unit	NPoCC National Police Co-ordination Centre
DCC Direct Cost Charging	NPS National Probation Service
DDaT Digital, Data and Technology	NRCN National Rural Crime Network
DPO Data Protection Officer	NWCU National Wildlife Crime Unit
ECC(W) Emergency Co-ordination Centre (Wales)	OCG Organised Crime Group
EHRC Equality and Human Rights Commission	OFSTED Office for Standards in Education, Children's Services and Skills
FOI Freedom of information	OPCC Office of the PCC
FPN Fixed Penalty Notice	PaCCTS Police and Crime Commissioners Treasurers Society
FRA Fire and Rescue Authority	PCC Police and Crime Commissioner
FRS Fire and Rescue Service	PCP Police and Crime Panel
GCO Government Commercial Organisation	PDS Police Digital Service
GDPR General Data Protection Regulation	PEEL Police (force) effectiveness, efficiency and legitimacy
GLA Greater London Authority	PESD Public Sector Equality Duty
ICV Independent Custody Visiting/Visitor	PFCC Police, Fire and Crime Commissioner
HMCIC Her Majesty's Chief Inspector of Constabulary	PNB Police Negotiating Board
HMCTS Her Majesty's Courts & Tribunals Service	PPE Personal protective equipment
HMI Her Majesty's Inspector	PRRB Police Remuneration Review Body
HMICFRS Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services	PSBs Public Service Boards
HMIP Her Majesty's Inspectorate of Prisons	PSC Police Staff Council
HMRC Her Majesty's Revenue & Customs	PUP Police Uplift Programme
	ROCU Regional Organised Crime Unit

SCGs Strategic Command Groups
SCIB Strategic Change and Investment Board
SOC Serious and Organised Crime
SPOC Single point of contact
SOLACE Society of Local Authority Chief Executives
SPR Strategic Policing Requirement
VCOs Voluntary and community organisations
VfM Value for Money
VRU Violence Reduction Unit
VAWG Violence against women and girls
WLGA Welsh Local Government Association
YOTs Youth Offending Teams



T [020 7222 4296](tel:02072224296)

E enquiries@apccs.police.uk

www.apccs.police.uk

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