

Police and Crime Commissioners – Events Frequently Asked Questions

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General Themes

1. How will PCCs take account of the local strategic perspectives that CSPs offer, when determining the force-wide priorities and objectives?

A. CSP strategic assessments and partnership plans set out key local issues and how these will be addressed. As such, CSPs are well versed in the matters of concern to their local communities and will undoubtedly provide invaluable information and intelligence to the PCC. It is envisaged that PCCs will want to discuss local priorities with other local leaders.

PCCs and community safety partners are under a reciprocal duty to have regard to each others' priorities. The Police Reform and Social Responsibility Act includes a requirement for the PCC to send a copy of their police and crime plan to all responsible authorities. Secondary legislation will set out a reciprocal requirement for CSPs to send a copy of their partnership plan to the PCC for their area.

2. What actions should partners be taking in preparation for the arrival of PCCs?

A. The Home Office information booklet 'What partners need to know' is available from the HO PCC website linked below:

<http://www.homeoffice.gov.uk/publications/police/pcc/what-partners-need-to-know>

Partners will want to consider the fit between current partnership priorities, the needs of service users and the potential interests of the PCC. They may also wish to ensure that their business cases for existing programmes or proposals for new approaches are robust; this could include considering the evidence base and value for money of programmes. This will apply equally to the statutory and voluntary sectors, particularly to inform funding decisions. This was one of the key messages that was discussed at the 17 PCC Events that were recently held across England and Wales.

3. What's the opportunity for partners to rationalise structures?

A. Where partnerships work well they can prevent duplication, reduce costs and tackle issues with a joined-up problem-solving approach.

CSPs retain their existing statutory functions and may continue to operate in their current form. However, the forthcoming changes to the local landscape provide an opportunity to consider whether existing structures continue to meet local requirements in the most effective way and whether there is justification for rationalising or simplifying local partnership arrangements.

Areas including Gloucestershire, Lancashire, Norfolk and Cardiff are consolidating their partnership arrangements in different ways. This includes merging community safety partnerships, creating cross partnership arrangements with criminal justice bodies or even looking at establishing force wide commissioning across sectors. The opportunity is for local leaders to use the flexibility that already exists to grasp the nettle of this reform by bringing sense to the complexity, locally.

4. How will PCCs support activities that cut across police force areas?

A. The shadow Strategic Policing Requirement sets out the collective capabilities that police forces across England and Wales will be expected to have in place to protect the public from cross-border threats such as terrorism, civil emergencies, public disorder and organised crime.

The strategic policing requirement will support PCCs in effectively balancing local, regional and national priorities. PCCs will have to take account of the strategic policing requirement when setting their police and crime plan and will hold chief officers to account for their compliance with it in exercising their functions.

Beyond the strategic policing requirement, PCCs will be free to work in collaboration with other PCCs or other local leaders and may wish to consider joint working or priorities.

5. How will PCC good practice be shared?

A. The Association of Police Authorities (APA) will establish the interim national body for Police and Crime Commissioners (PCCs). The APA has been given limited funding to establish an interim body to ensure PCCs are given the chance to consider whether or not they want a collective body to represent them.

This collective body would be best placed to support and represent Police and Crime Commissioners (PCCs) in November. One of the services the Association of Police and Crime Commissioners (APCC) will provide is to assist PCCs in collaborating to share practice, procure services, and identify ways to achieve efficiencies through working together effectively.

6. What will happen if an extreme candidate is elected?

A. We are confident that extremists will not succeed in being elected to serve as Police and Crime Commissioners. We trust the British people and recent electoral history shows that we are right to do so.

7. Will the PCC have enough time post-election to set their plans and engage properly with partners in doing this?

A. The first PCC police and crime plans must be issued by the end of March 2013. In developing their draft police and crime plans, PCCs are under a duty to consult with the chief constable, the public and victims, and their plans will be scrutinised by police and crime panels. There is sufficient time for these processes but PCCs and their teams will need to act swiftly.

Police authority chief executives and their teams will necessarily begin work on draft police and crime plans before PCCs take office. It is vital that the full range of partners feed into the process to ensure that the resulting plan truly reflects the issues that are of greatest concern locally, and chief executives are increasingly engaging with partners locally, with this in mind.

Candidates

8. What information will be provided for PCC candidates?

A. The PCC pages of the Home Office website will be revamped in the coming weeks, with distinct areas for the public, partners and candidates. The candidates' section will include national level candidate briefings on a number of areas – the PCC model, the national landscape, national strategies, and partnerships and commissioning.

9. Will there be a collective body for PCCs?

A. To allow a collective voice for PCCs after police authorities are disbanded later this year, an interim body will be set up. Whether the body is made permanent and who would run it will be decided by PCCs themselves once they have taken up office.

The Association of Police Authorities (APA) will establish the interim national body for Police and Crime Commissioners (PCCs). The APA has been given limited funding to establish an interim body to ensure PCCs are given the chance to consider whether or not they want a collective body to represent them.

10. Will PCCs be able to appoint political advisers?

A. Whilst the PCC will be able to appoint staff to advise and assist them, all staff must be appointed on merit and will be politically restricted in their posts. Party political office holders and active party members will not be able to be appointed to the PCCs' staff. This restriction does not apply to deputy PCCs.

11. Are PCCs able to appoint a deputy?

A. A PCC may appoint a deputy PCC and delegate functions to the deputy to exercise. A deputy PCC is not politically restricted, but similar restrictions as to a PCC apply – for example, a deputy may not be a PCC elsewhere, a constable, nor a member of the House of Commons, European Parliament, or devolved governments. The appointment of a deputy will end when the current term of office of the PCC ends.

12. How can one individual represent the views of a large geographic area / large population?

A. The Government believes that a single individual can represent a large area. The Mayor of London represents over seven and a half million people (a much larger population than any of the force areas outside the capital) in an exceptionally diverse city, and for a variety of public services – not just policing.

13. Will you carry out security checks on candidates?

A. No. The Government have no right to decide who may or may not stand. Police and Crime Commissioners will:

- be designated, by order, as Crown servants for the purposes of the Official Secrets Act 1989;
- sign a document on appointment that makes clear to them their obligations under the Official Secrets Act 1989;
- be “notified” for the purposes of the Act on a case by case basis, where this is required.

14. Why has the Home Office chosen to use the Supplementary Vote system in this election instead of the criteria used in the national election?

A. The Supplementary Vote aligns the method of election with the method for the Mayor of London and all other mayoral elections in England. It ensures that the winning candidate secures at least 50% of the votes remaining in the count.

Public Information

15. What are you doing to promote the introduction of PCCs?

A. The Home Office has a role to play in communicating to the public about the PCC Policy. We will be raising awareness of the role and explain what these changes will mean for both the public and our partners. The Electoral Commission has a role to explain the mechanics of the election, the Supplementary Voting system and how and where to vote.

The Home Office media campaign to support 17 regional Partner Events across England and Wales between January and March proved a considerable success in promoting key messages around PCCs to the public and potential candidates.

We will also utilise a whole range of other channels to provide information to partners, via e-bulletins, newsletters, websites and direct briefings where necessary.

Complaints (Criminal)

16. Can the Independent Police Complaints Commission (IPCC) receive directly criminal allegations, and where and how are those crimes recorded?

A. Yes. If a complaint is made to the IPCC it will pass it to the PCP to make a recording decision, unless there are exceptional circumstances. The Police and Crime Panel (PCP) has to record complaints.

17. Is there a conflict of interest in the PCC's chief executive having a role with the complaints made against their employer?

A. No. The PCP can choose to delegate the handling of complaints to the PCC's monitoring officer but does not have to do this. The monitoring officer will only be responsible for the initial handling of complaints, and not their resolution. In many ways, this arrangement reflects current police authority practice where police authority staff handles complaints against members. In addition a PCP can require staff of the PCC to attend before them to answer any questions they feel are necessary in order to carry out their functions.

18. Do criminal complaints against the PCC have to be reported to the IPCC within 24 hours?

A. Where a complaint or a conduct matter is required to be referred to the IPCC, notification must be given to the IPCC within 24 hours of the Police and Crime Panel having identified that a complaint should be referred to them.

CJS

19. How will the LCJB fit with the PCC?

A. The criminal justice duty to co-operate states that the PCC and criminal justice bodies in that area “must make arrangements (so far as it is appropriate to do so) for the exercise of their functions so as to provide an efficient and effective criminal justice system for the police force area.” The criminal justice bodies included in this duty are those which currently comprise the LCJB (police, prosecution, courts, and youth offending teams, prisons and probation). We are not mandating how the PCC and CJS agencies work together. It is for local areas to establish working arrangements that will deliver an efficient and effective criminal justice system in that specific area.

20. Is the youth crime and substance misuse prevention grant going to PCCs?

A. No. This grant ceases in March 2013. We aim to issue in June a communication that will provide details of arrangements in 2012-13, the new Home Office Community Safety Fund that the PCCs will receive in 2013-14, and given the establishment of the CSF, those funding streams that will cease from the end of March 2013.

21. Has thought been given to how policies of the PCC could impact on the policies and budgets of other departments, i.e. YJB and its funding for custodial places?

A. PCCs will need to work effectively with other local leaders in their police force area, including working to influence how all parties prioritise and bring together resources to meet local problems and priorities.

PCCs will have a role in commissioning services such as youth crime prevention services from April 2013, taking account of local needs and priorities. It will be important that youth offending teams continue to have a role, but a key output this year will be to support the development of the local business case for youth crime prevention, to enable the PCC to make informed decisions about this, in the light of other demands and priorities.

Police and Crime Panels (PCPs)

22. How will Panels be established in two tier authorities?

A. All local authorities within the police force area will have at least one seat on the Police and Crime Panel. The Panel must, as far as is practicable, be balanced to represent the whole of the force area, including finding a geographic balance. How this is achieved, and a Panel established, in each area will be for the local authorities to agree.

23. How do Panels fit with localism and scrutiny functions?

A. As a democratically elected official, the electorate will - through the ballot box - be the ultimate judge on whether the PCC is performing adequately. PCPs will deliver strong checks and balances to ensure that the PCC role is conducted appropriately. Decision making and expenditure are also subject to strict rules on transparency to ensure effective scrutiny by the public.

24. How will independent members of Panels be selected?

A. The Panel itself must select and appoint the independent members to be co-opted to the panel.

We know that some areas are already advertising for independent members and seeking applications/expressions of interest that can be put to the Panel at their first meeting. The Local Government Association (LGA) is supporting local government to share practice in this and other areas.

25. What will the host authority actually do?

A. The host authority will receive the Home Office funding and administer the Panel. Hosting does not confer leadership of the panel.

26. What are Panels meant to have done by July 2012?

A. The Home Secretary wrote to all local authorities in January inviting them to begin work on establishing Panels. In that letter she requested that local authorities agree a host authority, nominate and appoint their councillor members, and inform the Home Office that a Panel has been established by July.

27. How will the Panel report back to local authorities in respect of their strategic role?

A. Every local authority in the police force area will have at least one councillor on the Police and Crime Panel. It will be for the panel, the members and the individual local authorities to determine how information will be passed between them.

28. What are the appropriate skills needed for Panel members, is there a recommended skills mix?

A. The balanced appointment objective requires local authority members to have the skills, knowledge and experience necessary for the panel to discharge its functions effectively. The Home Office will not be advising on the recommended skills mix.

29. Do local elections change the composition of Panels?

A. The balance of the Panel should be actively reviewed, including after elections, to ensure that the membership of the panel fulfils the requirements of the balanced appointment objective "as far as is practicable".

30. How will funding for the panel work?

A. The Home Office will provide funding to support Panels in discharging their functions, as set out in the Act. A total of £53,300 will be provided for support and running costs per Panel. In addition each Panel member can receive up to £920 per year, to fund necessary expenses. The funding for the first year will be provided on a pro rata basis to cover October 2012 to March 2013.

This funding will be passed to the 'host' authority as a grant.

Non – Criminal Complaints

31. Does the monitoring officer also perform the non – criminal complaints role?

A. The Police and Crime Panel will decide who undertakes the handling of non – criminal complaints. This is at their discretion and they can delegate this role to the monitoring officer if they feel that it is appropriate.

PCCs and Mayors

32. What type of mayors can sit on Panels?

A. Where a local authority has a mayor elected under Part Two of the Local Government Act 2000, the local authority must nominate the mayor as the council's member on the panel, or one of the other councillor members, by agreement. This applies to all mayors.

33. Can a mayor also be the Police and Crime Commissioner?

A. The public could decide to elect a single person to both roles, which would give a single elected individual responsibility for crime and policing across a police force area, as well as the broader community safety and antisocial behaviour for that local authority area.

Any benefits of combining these roles is entirely a matter for the electorate to decide, and steps have been taken to ensure independent public scrutiny delivered by the Police and Crime Panel against PCC decision making, and by the local overview and scrutiny committee on decisions made by the Mayor. The public will also have access to information and records on decisions made, and money spent by both the PCC and the Mayor.

Precept

34. Who will arbitrate if there is a deadlock between the PCC and PCP over the Precept?

A. The PCC retains ultimate responsibility for setting the Precept, this is right as it will be the PCC who is held to account by the public.

This information will be detailed in the secondary legislation which is in the process of being laid.

PCCs and Transparency (specified information order)

35. What kind of information is covered by the specified information order?

A. The specified information order will ensure that PCCs make available to the public information on:

- Who they are and what they do
- What they spend and how they spend it
- What their priorities are and how they are doing
- How they make, record and publish their decisions
- What policies and procedures govern the operation of the office of PCC
- Public disclosure of a register of interests

36. Why is the specified information order necessary?

A. They are necessary because the public need independent, consistent and transparent information on the performance and activities of their PCC for democratic accountability to be effective. Transparency is essential to promote confidence in the elected PCC. A consistent minimum evidence base will also allow them to compare the performance of their PCC with PCCs elsewhere.

37. How was the specified information order drawn up?

A. They were developed using definition documents produced by the Information Commissioner's Office for local authorities, police authorities and police forces, taken alongside local government information exemptions and the (then draft) Code for Recommended Practice for Local Authorities on Data Transparency, which was produced by Department for Communities and Local Government.

38. What thought has been given to the burden that these regulations will impose on PCCs?

A. Government is confident that PCCs will be in a position to publish this information, as most of the information that the regulations require PCCs to publish is already a requirement for police authorities. We will work closely with partners in assessing the application of the regulations in London, and will alter the Order in advance of November if there is evidence to suggest that we can maintain transparency and reduce the burden on the PCC.

39. How will the information be made available to the public?

A. Government fully expects PCCs to be able to meet the requirement in most if not all cases by publishing information on their website. Guidance on the order that will be given to PCCs will suggest examples of good practice in making information available. Beyond requiring the information to be made available online, and in a way that is consistent with the principles of the Government's commitment to transparency, the Government will not tie the hands of the PCC or the Mayor's Office for Policing and Crime (MOPC) by prescribing exactly how it should be published. It may be desirable to see information (particularly data) published in a uniform way, but this could prove impractical and bureaucratic in some cases. Part of the commitment to transparency runs a commitment to reducing unnecessary burdens on partners.

40. What powers do PCCs have to manage CSPs?

A. PCCs have no powers to manage or direct CSPs. Responsible authorities for community safety and PCCs are under a reciprocal duty to co-operate and have regard to each others' priorities.

PCCs will have the power to call together CSP representatives for a force-wide meeting (does not apply in Wales) and to request a report from a CSP.

In England PCC will also have the power to approve CSP mergers, on the application of all responsible authorities.

Health

41. If PCCs aren't members of health and wellbeing boards, how can they influence public health expenditure in their area?

A. The Health and Social Care Act 2012 sets the core statutory membership of health and wellbeing boards. Local authorities or health and wellbeing boards are free to add members who can bring in particular skills or perspectives, or have key statutory responsibilities which can support the work of the board, such as those from the criminal justice system. PCCs will have funding and commissioning powers which could be used for health based interventions.

42. Why should health and wellbeing boards engage with PCCs?

A. Health and wellbeing boards are responsible for reducing health inequalities in their area. To do that they need to ensure that the most disadvantaged people in their community have equal access to healthcare, even if they are not currently engaged with health agencies. The police are regularly engaged with this vulnerable group as part of their day-to-day activities. The police working with the PCC will have unique knowledge, intelligence and intervention opportunities that health agencies can utilise and build into their joint strategic needs assessments.

43. What is the Government doing to support partnership working between PCCs and health agencies?

A. The Government is supporting frontline partners to encourage partnership working via a criminal justice workstrand which forms part of the National Learning Network for shadow health and wellbeing boards. This workstrand will develop products to highlight the links between health, and the crime, and community safety issues.

44. What are the Government's priorities on health and criminal justice?

A. The Government's priorities on health and criminal justice include:

- Getting offenders off drugs for good and to tackle alcohol dependency, with a focus on recovery;
- Ensure that those with mental health problems are identified as early as possible in the criminal justice system so that the right treatment can be provided in the most appropriate setting;
- Where appropriate, divert young people from the youth justice system at the earliest point of contact.

Funding

45. What assessment has the Home Office made of the costs of PCCs?

A. Running costs should be no more than police authorities currently. It will be for the PCC to decide how much they spend. These costs will be declared publically, as required by regulations, and we expect the public to hold the PCC to account for them.

46. What are the arrangements for community safety funding in 2012/13?

A. Funding will continue under existing arrangements for community safety funding and the majority of crime and drugs grants for the entire financial year 2012/13.

47. What are the arrangements for community safety funding in 2013/14 and going forward from there?

A. In 2013/14 PCCs will receive monies from a new Community Safety Fund (CSF) to support their priorities. The CSF will be un-ringfenced and PCCs will be able to use the funding to commission services that tackle drugs and crime, reduce re-offending, and improve community safety.

The exact level and allocations of the CSF in 2013/14 have yet to be decided. Funding for crime, drugs and community safety will be lower in 2013/14 than in 2012/13. We will be shortly issuing a national statement for partners about funding.

48. How will funding for Domestic Homicide reviews be undertaken?

A. We have attempted to eliminate financial costs as far as possible under the domestic homicide review process and believe the process can be undertaken without imposing significant financial burdens on any single area but appreciate there will be an impact on staff time. Therefore, the only costs associated with domestic homicide reviews would be if an area decides to go out to tender to hire an external consultant.

The decision on who should contribute to any funding for a review would be a local decision.