

Police and Crime Commissioners – Publishing Information

Police and Crime Commissioners (PCCs) are required to publish certain information to allow the public to hold them to account. Section 11(1) and (2) of The Police Reform and Social Responsibility Act 2011 requires an elected local policing body to publish any information specified by the Secretary of State by Order (secondary legislation). The Secretary of State may also specify by that Order the time and manner of publication. The Act itself is clear that a PCC must publish a Policing Plan and their Annual Reports, and the Order specifies in more detail what information PCCs must publish. The Elected Local Policing Bodies (Specified Information) Order 2011 can be found [here](#) and the amendments to it [here](#). Attached at Annex A is a simplified list of the information publication requirements and the timings for publication.

The PCC is elected by the public and will be held to account by the public during their term of office. The Order requires minimum information about the PCC to be published which the public can use when holding PCCs to account. A consistent set of published basic information will also allow the public to compare across police force areas. We do encourage PCCs to publish more than the minimum; transparency is at the heart of the government's agenda, and to make certain that the public are in a position to hold them to account, PCC's may, as specified in the Act (s11, (5)) make available *any additional information* they wish to, "regarding the exercise of the body's functions, and the exercise of the functions of the relevant chief officer of police".

The requirements of the Order apply to Elected Local Policing Bodies, namely Police and Crime Commissioners and the Mayor's Office for Policing and Crime (MOPAC).

The Government is requiring a stage two staff transfer by 2014 with the intent that operational staff under the control and direction of the Chief Constable pass to their employment and that any discussion with the Chief on those remaining with the PCC will focus on non-operational roles. Until this transfer takes place all police staff will be employed by the PCCs and MOPAC and will be covered by the Order.

In this guidance the information to be published has been put under headings taken from the Information Commissioner's Office's definition documents under their model publication scheme. The Order ensures that PCCs will 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 decisions*
- *What policies and procedures govern the operation of the office of the PCC*
- *Lists & registers*

However, it will be for the PCC to decide how to publish this information.

Who PCCs are and what they do:

This is needed in order for the public to be aware of who is responsible for what, what they do and how to get in touch with them. The information included under this heading includes organisational information, structures, locations and contacts.

What PCCs spend (& How We Spend It):

The information published under this heading will provide transparency on spend on policing. It includes: audited accounts, expenses claimed for, grants paid out as well as money allocated to the Chief Officer of the force by the PCC.

Financial information can often be complex and difficult for the average person to understand, the Plain English Campaign has helpfully created a guide to financial terms and this can be found [here](#).

PCCs may find the Contracts Finder website useful in helping them to provide information to the public on contracts. This site is used by central government for procurement opportunities and contract documentation.

In order to make access to the financial information easier, consideration should be given to publishing in one location, with a clear definition of what it is.

What Our Priorities Are & How We Are Doing:

This area of information is to make clear what the PCC's priorities are and what progress they have made against them. We expect that this would include not only the information specified in the summary table at Annex A but also the Policing Plan and Annual Reports, which are part of the Act itself.

How We Make Decisions:

The information included under this heading includes public meetings held, minutes of non public meetings where matters of significant public interest are discussed, and a record of decisions of significant public interest. It is expected that all minutes from all public meetings held by the PCC, plus any background and discussion papers will be made available (further guidance can be found [here](#)). This will ensure maximum transparency for the public, giving them access to the discussions which have taken place and showing the decision making process - how decisions are made which will affect them.

Our Policies & Procedures:

The information published under this heading ensure that the public are aware of the standards expected of, the office of the PCC. This includes information relating to the expected conduct of the PCC and their staff, and what to do if there are concerns about this; any memoranda of understanding, delegated powers and similar information. Additionally, information relating to records management – the retention of information and archive/destruction policy should be made available here.

Lists & Registers:

For transparency the information published under this category will include a full register of interests for the PCC (& Deputy), including other paid positions. Other lists of information also include a register of gifts & hospitality offered to any member of the office of the PCC, who was offering the gifts / hospitality, and whether it was accepted or declined. These lists will make it clear to the public where, if any, conflicts of interests or other issues exist and

make sure that these do not conflict with the responsibilities of the office of the PCC. A full list of FOI disclosures – including the question asked and the answers provided - is included under this heading.

Responsibilities:

It is expected that each PCC will need to be registered as a data controller with the ICO, by virtue of the nature of the data that PCCs will handle. This means is that they will take on responsibility for the safeguarding of any personal information which is held by the Office of the PCC; the information could be personnel details of staff or details of private contracts or operational matters disclosed to the PCC by the Chief Constable.

“Data controller means ... a person who (either alone or jointly or in common with other persons) determines the purposes for which and the manner in which any personal data are, or are to be, processed

Data controllers must ensure that any processing of personal data for which they are responsible complies with the Act. Failure to do so risks enforcement action, even prosecution, and compensation claims from individuals.” (taken from Information Commissioners Website.ⁱ).

Personal data is defined [here](#), and information relating to the Data Protection Act and Freedom of Information Act can be found [here](#). How to (register) notify under the Data Protection Act with the ICO can be found [here](#).

Timing:

The Statutory Instrument outlines the timings for the publication of the specified information and is outlined in Annex A.

Dissemination:

The use of websites has made it easier for the general public to find out information, and we would expect each PCC to be making information available on the internet.

We expect the specified information to be published in an easily accessible format which is understandable by the general public. For example where data and lists of data are published, we would expect there to be some accompanying narrative to make clear what the data was showing and explaining what the results mean.

Although websites are commonly used by the public to access information, alternatives must be made available for the members of the public who do not have access to the internet or who choose to access the information in a different way. It should be clear by what other means the information can be obtained. This could include making the information available for inspection at a police station/other office, or for paper copies to be sent by post (fees may apply for this and the cost should be made clear – guidance for this is available from the Information Commissioners Office). Details of how to access the information in alternative ways should public.

The PCC should be aware of their obligations (where appropriate) to make documentation available in languages other than English, for example Welsh, and in other formats such as Braille.

Additional Guidance:

On their website the Local Government Association have practitioner guides to making available certain types of Local Authority data; specifically advice on publishing local spending data, senior salary disclosure and publishing new contracts and tenders. Although not directly applicable, these may be helpful and can be found here.

Best practice on making information available can be found on the Advice now website.

In response to Parliamentary scrutiny of the original Order which specifies the information that elected local policing bodies (Police and Crime Commissioners and the Mayor's Office for Policing and Crime) must publish, Home Office Ministers agreed to amend the Order. Therefore, SI 2011/3050 is amended by SI 2012/2479

The changes made to the Order are:

- The value threshold for publication of tenders and contracts is increased from £500 to £10,000, to match the arrangements in place for central Government. A list of contracts with a value of £10,000 or less is to be published, but not the documents themselves.
- Information on expenditure and contracts of the Chief Officer of Police are to be published by the elected local policing body, to ensure that the public has a complete picture of all police spending.
- The requirement to identify persons appointed as custody visitors is replaced with a requirement to publish general information about custody visitor arrangements.
- An additional requirement is added to publish information about the use made of the staff of the Chief Officer of Police or local authorities, to supplement the information already required about the elected local policing body's own staff.

Annex A

Who we are & what we do: organisational information, structures, locations & contacts.	
<ul style="list-style-type: none"> The names and contact details of the PCC and Deputy PCC. information about the internal structures of the office of the PCC including organograms, (with names of senior staff, if they agree), salary bands and demographics including ethnicity, gender and disability (by proportion). Information about any arrangements that the PCC has to make use of the staff of the chief officer of police or a local authority. 	To be published as soon as practicable after election, reviewed annually and updated when changes are made. Organisational chart and information on use of police force or local authority staff to be reviewed every 6 months rather than annually.
<ul style="list-style-type: none"> The identity of any premises or land owned by, or occupied for the purpose of the work of the PCC 	To be published as soon as practicable after election, reviewed annually and updated when changes are made.
What we spend & how we spend it: Covering financial information relating to projected and actual income and expenditure and clear financial audit for transparency.	
<p>The budget for the office of the PCC, including:</p> <ul style="list-style-type: none"> all planned expenditure all anticipated revenue sources the planned precept levels 	To be published before the start of each financial year.
<ul style="list-style-type: none"> the draft precept (which must go before the PCP for comment); the response to the PCP's report on the proposed precept 	To be published before the start of each financial year.
<p>Details of each grant (including crime and disorder reduction grant) made by the PCC, including :</p> <ul style="list-style-type: none"> the conditions (if any) attached to the grant, the recipient of the grant, the purpose of the grant and the reasons why the body considered that the grant would secure, or contribute to securing, crime and disorder reduction in the body's area, where appropriate. 	To be published each month.
<p>Information as to any item of expenditure over £500 (other than crime and disorder reduction grants) by the PCC or the Chief Officer, including:</p> <ul style="list-style-type: none"> the recipient the purpose of the expenditure and the reasons why the PCC or Chief Officer considered that VfM would be achieved (except contracts over £10,000). 	To be published each month.
<p>Allowances & Expenses:</p> <ul style="list-style-type: none"> details of the allowances and expenses that have been claimed or incurred by the PCC and Deputy PCC. <p>Police and Crime Commissioners and their Deputies should publish a breakdown of their expenses including:</p> <ul style="list-style-type: none"> Their name, force area, financial year, month, date, claim reference numbers, expense type (e.g. Travel, Accommodation), short description, details, amount claimed, amount reimbursed, amount not reimbursed, and the reason why a claim was not reimbursed. For travel and subsistence claims: date, place of origin, place of destination, category of journey, class of travel, mileage, length of hotel stay, category of hotel 	To be published quarterly.

stay.	
<p>Contracts & Tenders:</p> <ul style="list-style-type: none"> a list of contracts for £10,000 or less - to include the value of the contract, the identity of all parties to the contract and its purpose; full copies of contracts over £10,000; copies of each invitation to tender which is issued by the PCC or the Chief Officer where the contract is to exceed £10,000. 	<p>Lists of contracts to be published quarterly.</p> <p>Contracts to be published as soon as practicable</p>
<p>Senior Salaries:</p> <ul style="list-style-type: none"> The salary amounts above £58,200 including names (with the option to refuse name being published), job description, & responsibilities in the office of PCC. 	To be published as soon as practicable after election, reviewed annually and updated when changes are made.
<p>Audit:</p> <ul style="list-style-type: none"> Audited accounts: (the specialist examination of the accounts of the office of the PCC) Auditors opinions of the audited accounts of the force & PCC, covering any significant issues and any comments. The annual accounting statement showing how the budget has been spent. Audit Reports on the accounts of the office of the PCC (please see the Accounts and Audit (England) Regulations 2011 and the Accounts and Audit (Wales) Regulations 2005). 	To be published at the end of each financial year.
<p>Investment Strategy:</p> <ul style="list-style-type: none"> The investment strategy of the PCC (please see: Local Government Act 2003 s15). 	To be published before the start of each financial year.
What our priorities are & how we are doing: strategies and plans, performance indicators, audits, inspections and reviews.	
<ul style="list-style-type: none"> Police and Crime Plan (please see s.5(10) of the Act) 	To be published annually
<ul style="list-style-type: none"> Annual Report (see s.12(6) of the Act) 	To be published annually
<ul style="list-style-type: none"> A copy of each collaboration agreement, or the fact that an agreement has been made and such other details about it as the PCC thinks appropriate (please see s.23E of the Police Act 1996). 	No deadline specified - suggest within 2 weeks of collaboration agreement being made.
How we make decisions: decision making processes & records of decisions – all for transparency purposes.	
<ul style="list-style-type: none"> The dates, times & places of all public meetings and public consultations held by the PCC; agendas and discussion documents for the meeting; copies of the agreed minutes, (to ensure transparency and the decisions made by the elected officials). A record of every significant decision taken by or on behalf of the PCC as a result of a meeting or otherwise. 	To be published as soon as practicable.
Our policies & procedures: current written policies, procedures for delivering services and responsibilities.	
<p>The following policies and procedures to which the PCC & deputy must adhere to in the course of their role:</p> <ul style="list-style-type: none"> code of conduct (if any), 	To be published as soon as practicable, reviewed annually and updated when changes are made. Complaints to be published at the end of each financial year.

<ul style="list-style-type: none"> • decision making (policy on), • the procedure for the handling of complaints and the number of complaints against the PCC recorded by the Police and Crime Panel (as required by regulations). 	
<ul style="list-style-type: none"> • Information about the operation of the ICV scheme including the process and policies of the scheme. 	To be published as soon as practicable, reviewed annually and updated when changes are made.
Record management: <ul style="list-style-type: none"> • Record management Information security policies, relating to records retention and destruction/archive policies • data sharing policies (Minimum standards to responding for requests for Information). 	To be published as soon as practicable, reviewed annually and updated when changes are made.
HR: <ul style="list-style-type: none"> • Numbers of staff employed by the office of the PCC,. • Diversity data on staff employed by the office of the PCC, including the number of women, ethnic minorities and those who are disabled. • 	To be published as soon as practicable, reviewed every 6 months and updated when changes are made.
<ul style="list-style-type: none"> • Whistle blowing - a clear guideline on what to do if concerns over the conduct of PCC and/or staff are raised. (see section 43B of Employment Rights Act 1996) 	To be published as soon as practicable, reviewed annually and updated when changes are made.
Lists & registers:	
<ul style="list-style-type: none"> • Register of any interests which might conflict with the role of the PCC and Deputy PCC, including every other pecuniary interest or other paid positions that they hold. 	To be published as soon as practicable and updated when changes are made.
<ul style="list-style-type: none"> • list of FOI requests received, and their responses (disclosure log). 	To be published quarterly.
<ul style="list-style-type: none"> • List of all gifts/donations and hospitality offered to staff of the office of the PCC, and whether these were accepted or declined.. 	To be published as soon as practicable and updated when changes are made.

ⁱ http://www.ico.gov.uk/for_organisations/data_protection/the_guide/key_definitions.aspx