



Home Office

Triennial Review of the Independent Police Complaints Commission Terms of Reference

Terms of Reference

Objective

To carry out a Triennial Review of the Independent Police Complaints Commission (IPCC).

Background

A triennial review is the process for reviewing the form and function of Non-Departmental Public Bodies (NDPBs), the appropriateness of the body's delivery mechanism and its governance arrangements.

The aims of a Triennial Review are:

- a) To provide a robust challenge of the continuing need, in terms of both their form and functions for individual NDPBs; and
- b) Where it is agreed that a particular body should remain as a NDPB, to review:
 - The control and governance arrangements in place to ensure it is complying with recognised principles of good corporate governance, including an assessment of its performance; and
 - Its capacity for delivering more effectively and efficiently, including identifying potential for efficiency savings and its ability to contribute to economic growth.

The Home Secretary agreed with the Minister for the Cabinet Office in 2011 that a review of the IPCC would be announced in year three of the first review programme. This was put back to year one of the second programme (2014-17) but to ease the burden on the IPCC during a critical time of change, the Home Secretary agreed in April 2014 for it to take place late 2014 / early 2015.

The Independent Police Complaints Commission

The IPCC was established by the Police Reform Act 2002 and began work in April 2004. Its primary statutory purpose is to secure and maintain public confidence in the police complaints system in England and Wales. The IPCC is independent, making its decisions entirely independently of the police and government. As a NDPB however, in relation to the use of public funding, the IPCC is accountable to the Home Office and through Home Office ministers to Parliament. Dame Anne Owers is Chair and Lesley Longstone Chief Executive of the IPCC.

2013 / 14 figures show a net expenditure of £40.9 million, an increase of £7.7 million from the previous year. This was a result of additional resources for the Hillsborough investigation and additional staff and consultants for planning the IPCC expansion. In summary, the £40.9 million was used for employing an average 500 staff, outsourcing the secure IT system, providing the estates infrastructure necessary to operate the business effectively across England and Wales, financing the non-cash charges as they write-down assets and paying for other operational costs.

In February 2013, the Home Secretary announced proposals to transfer resources from police forces to the IPCC to enable them to carry out more independent investigations into serious and sensitive allegations. In 2014/15, a change programme to develop a new operating model to change the way the IPCC is structured and the way it works was set up with a focus on quality and timeliness as well as quantity and value for money. £18 million additional revenue funding to be spent on the recruiting and training of additional staff to take on more serious and sensitive cases has been provided along with £10 million capital funding for the fitting out of offices and expanding the IT.

Scope

The triennial review of the IPCC will be conducted on behalf of the Secretary of State for the Home Department and will be undertaken in accordance with the published Cabinet Office guidance on how these reviews should be undertaken. This can be found on the GOV.UK website at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/332147/Triennial_Reviews_Guidance.pdf

The review will be carried out in close consultation with the IPCC which will have the opportunity to input to the review. Views will be sought from a range of stakeholders.

Additionally, this triennial review is being conducted in parallel with a comprehensive review of the police disciplinary and complaints system. Officials have committed to working closely together to draw on each other's work where appropriate to avoid duplication.

There are two stages to a triennial review:

Stage 1 assesses the continuing need for the body. The standard questions a triennial review looks to answer are:

- Identify the key functions of the body and assess how they contribute to the core business of the Home Office and, where appropriate, other government departments;
- Assess the requirement for the functions to continue;
- If they are to continue, assess the delivery options and how the function might best be delivered. This should include consideration of whether related functions delivered through two or more bodies could be amalgamated and delivered through one; and
- Apply the government's "three tests" if the body is to remain as an NDPB.

The tests are:

1. Is this a technical function which needs external expertise to deliver?
2. Is this a function which needs to be, and be seen to be, delivered with absolute political impartiality (such as certain regulatory or funding functions)?
3. Is this a function which needs to be delivered independently of ministers to establish facts and / or figures with integrity?

We are committed to avoiding duplication and recognise that these questions have to a great extent already been addressed in the policy reviews which are now finishing on the complaints system and on the disciplinary system. The extensive evidence gathering of those reviews will be available to the triennial review, however it is not proposed to consider the areas that those reviews have covered. Any aspects of stage 1 which are not already the subject of policy consideration would be the focus of the triennial during stage 1.

Areas in scope:

- Organisational structure of the IPCC – options which consider alternative delivery models within the IPCC (the police integrity consultation will provide evidence in relation to this question in particular and the responses will feed in to the review)
- Legal status and classification of the IPCC – consideration of different models of public body status, for example: NDPB; public corporation; ombudsman model.
- Consideration of partnership working and alignment with other bodies.

Areas out of scope:

- The key functions of the IPCC and the need for these functions to continue
- The continuing need for the IPCC – and therefore any delivery options which involve abolishing the IPCC or merging it with another body
- Three tests – given there is already clarity that the IPCC's functions are based on technical expertise, require absolute political impartiality and independence of ministers
- Any wider aspects of the policy relating to the complaints system

Stage 2 will review whether adequate control and governance arrangements are in place to ensure the IPCC is complying with recognised principles of good corporate governance will include an assessment of IPCC performance and its capacity for delivering more effectively and efficiently.

Review Approach and Methodology

The review will be conducted on behalf of the Secretary of State by Amobi Modu who is independent of the body and the sponsorship function.

Oversight and challenge will be provided by a Challenge Group. A challenge function is part of the assurance process to ensure informed decisions by the Secretary of State for the Home Department, who has commissioned the Review.

The role of the challenge function is to rigorously and robustly challenge the scope, assumptions, methodology and conclusions of the Review and to ensure that the six principles for the appropriate conduct of triennial reviews, as set out in Cabinet Office Guidance, are followed. These state that triennial reviews should be proportionate, timely, challenging, inclusive, transparent and offer value for money.

Members of the Challenge Group are appointed in their personal capacity and not to represent any interest group. Members of the group are independent of the IPCC and its sponsorship chain within the Home Office, although representatives of the sponsor team and of the IPCC may attend as observers, or to provide evidence to the Challenge Group.

The Challenge Group is expected to meet at least three times (at the beginning, mid-point and end of the review).

Proposed members of the challenge group are:

1. Sue Langley – Non Executive Director, Home Office Supervisory Board
2. Tom Winsor – Her Majesty’s Chief Inspector of Constabulary
3. Julia Muligan – North Yorkshire Police & Crime Commissioner and Chair of the APCC Standing Committee on Transparency
4. TBC - Chief Constable
5. Mark Castle – Chief Executive, Victim Support
6. Dr Jane Martin - Local Government Ombudsman
7. Michael Fuller – Her Majesty’s Chief Inspector, HMCPIS
8. Paula McDonald – Deputy Director, Public Bodies Reform, Cabinet Office
9. Ben Foyle – Home Office Public Bodies Team

Triennial reviews are normally conducted in two distinct stages as per the Cabinet Office guidance on Triennial Reviews. For this review, to eliminate the requirement to seek two lots of information from some stakeholders and limit duplication, elements of stages 1 and 2 can be conducted simultaneously and include (although not limited to):

- a) A review of the findings from earlier policy reviews;
- b) A review of documents including, but not restricted to, annual reports, published reports, relevant statute, terms of reference for the IPCC;
- c) Written request for comments from the Home Affairs Select Committee;
- d) Evidence of public views;
- e) Meetings/teleconferencing with a number of external partners and interested parties; and
- f) Discussions between the review team and the Chair / CEO of the IPCC to cover any issues emerging from meeting sponsors, and any advice the Chair might have on challenges and risks to the effectiveness of the IPCC.

Emerging findings will be discussed with the sponsorship team during the course of the review and with the Cabinet Office’s Public Bodies Reform Team.

The Chair and Chief Executive of the IPCC, and the Home Office sponsorship team will have the opportunity to check the factual accuracy of the review report at draft stage and the Cabinet Office will be invited to provide comments.

If during stage 1, sufficient information is not elicited to meet the requirements of stage 2, the second stage can include:

- a) A meeting of the reviewer, senior sponsor and head of secretariat to discuss and inform an assessment of compliance;
- b) An assessment of the IPCC’s capacity for delivering more effectively and efficiently, including identifying potential for efficiency savings and their ability to contribute to economic growth; and
- c) Further discussions with the Chair / CEO of the IPCC to cover any issues emerging from meeting sponsors and any advice the Chair might have on challenges and risks to the effectiveness of the IPCC.

Again the Chair and Chief Executive of the IPCC, and the Home Office sponsorship team will have the opportunity to check the factual accuracy of the review report at draft stage and the Cabinet Office will be invited to provide comments.

Interested Parties

The following will be consulted as part of the review and will be asked to agree the review before it is published:

- Permanent Secretary;
- The Home Secretary;
- Minister of State for Policing, Criminal Justice and Victims, Home Office;
- The Rt. Hon. Francis Maude MP, Minister for the Cabinet Office and Paymaster General;
- Cabinet Office's Public Bodies Reform Team; and
- Challenge Group.

The Review will also consult (although not limited to):

- Victims Representatives and other relevant bodies representing the public
- The Police and other criminal justice agencies
- Criminal Justice inspectorates
- Ombudsmen and other bodies with similar roles to that of IPCC (including Parliamentary & Health Service Ombudsman)
- College of Policing
- Associations and other channels through which the opinion of solicitors, barristers, magistrates and judges might be sought

A semi-structured questionnaire/topic-guide will be developed for the reviewer to use in interviews with key stakeholders.

In addition responses to the complaints / disciplinary system consultation will be reviewed for the triennial review.

Major Deliverables

- Written Ministerial Statement
- Interviews with key stakeholders
- Final Report

Review Project Indicative Schedule

- Meeting with Cabinet Office to discuss and seek provisional agreement on draft Terms of Reference, lead reviewer and challenge group membership. w/c 10th Nov 2014
- Terms of Reference (including details of lead reviewer and challenge group membership) circulated to Home Office Public Bodies Team and IPCC. w/c 24 November
- Submission to Ministers seeking agreement on Written Ministerial Statement, draft Terms of Reference, lead reviewer and challenge group membership. w/c 1 December 2014
- Seek Confirmation from Cabinet Office regards informing their ministers. Coordinate submission and WMS for ministerial approval. w/c 1 December 2014
- Terms of Reference to be agreed by Challenge Group (potentially before first meeting) by email. w/c 15 December
- First Challenge Group meeting (possible virtual or individual meetings with lead reviewer) w/c 15 Dec
- Prepare for WMS announcement. w/c 1 Dec
- Written Ministerial Statement. w/c 11 Dec.
- Load consultation document onto gov.uk immediately after WMS. deadline for evidence 16 January 2015
- Interviews with key stakeholders and other evidence gathering to take place during time of evidence Concurrent with consultation period.
- Review and collate responses from consultation, analyse data from interviews and other sources. w/c 19 January 2015
- Reporting writing phase w/c 26 January 2015
- Second meeting of Challenge Group. w/c 19 January 2015
- Report finalised. w/e 13 February 2015
- Report submitted to key interested parties for agreement. w/c 16 February 2015
- Final meeting of Challenge Group. w/c 16 February 2015
- Report published. End Feb / Mar 2015

Home Office
 Crime and Policing Group
 Triennial Review Team
 December 2014