
Police Accountability

Written Evidence

Section S - W

Evidence Number	Name	Stakeholder category
E82	Siddhartha Bandyopadhyay and Katharine Inglis, University of Birmingham	Academic
E83	South Wales Police and Crime Panel	Police and Crime Panel
E84	Police and Crime Commissioner for Staffordshire	Police and Crime Commissioner
E85	Staffordshire Police and Crime Panel	Police and Crime Panel
E86	Stephen Forlizzi	Member of the public
E87	Suffolk Police and Crime Panel	Police and Crime Panel
E88	Surrey Police	Police Force
E89	Office of the Police and Crime Commissioner for Surrey	Police and Crime Commissioner
E90	Sussex Police	Police force
E91	Police & Crime Commissioner for Sussex	Police and Crime Commissioner
E92	Timothy Cook	Member of the public
E93	Trafford Council	Local government
E94	UNISON	Union
E95	Police and Crime Commissioner for Warwickshire	Police and Crime Commissioner
E96	Warwickshire Police and Crime Panel	Police and Crime Panel
E97	Police and Crime Commissioner for West Mercia	Police and Crime Commissioner
E98	West Midlands Police	Police force
E99	Police and Crime Commissioner for the West Midlands	Police and Crime Commissioner
E100	Police and Crime Commissioner for West Yorkshire	Police and Crime Commissioner
E101	Wiltshire Police	Police force
E102	Wiltshire Police and Crime Panel	Police and Crime Panel



UNIVERSITY OF
BIRMINGHAM

Response to

Local Policing – accountability, leadership and ethics

Issues and Questions paper

Committee on Standards in Public Life

Siddhartha Bandyopadhyay¹ and Katharine Inglis²

Background and context of reforms:

Police and Crime Commissioners (PCCs) represent a major change in the governance of policing. This new governance structure has sought to change the nature of accountability. Under the regime of Police Authorities, consideration of accountability has tended to be dominated by ‘managerial’ or ‘performance’ perspectives of policing (see for example, Bevan and Hood, 2006). In contrast to such bureaucratic forms of accountability, the intention with PCCs is for greater emphasis to be placed on democratic or ‘public accountability’ (see for example, Romzek and Dubnick, 1987; Romzek, 2000; Raine and Dunstan, 2007; Raine and Keasey, 2012). There is debate, of course, on what democratic accountability is. Without fully resolving this thorny issue, there are two objectives that are often regarded as critical objectives in accountability viz. selecting the best person (selection) and ensuring compliance with the ‘will of the people’ (alignment of preferences)³. The answers to the specific questions posed first requires us to understand whether the twin goals of ‘selection’ and ‘alignment’ can be achieved or whether there can be a tension between the two. Thus, mechanisms that facilitate alignment may not lead to selecting the most capable leader and vice versa (Inglis, 2014). Further, the complex accountability framework cannot be fully understood in standard principal agent terms (i.e. with a single principal e.g. the PCC being held accountable by the agent i.e. the voting the public) because of the multi-layered accountability structures-the PCCs being accountable to voters, the crime and police panel and constrained by the Strategic Policing Requirement (SPR). Accountability mechanisms in principal agent settings with multi-layered hierarchies (as in Tirole, 1987) are poorly understood and no clear indicator (or set of indicators) exists to measure accountability. Indeed, some papers analysing prosecutors and judges in the United States find evidence that their behaviour is distorted by the election cycle (Bandyopadhyay and McCannon, 2014 a and b; Berdejo and Yuchtman, 2010; Shepherd, 2009). As yet, we cannot get a clear indicator whether elections are influencing PCC behaviour. The answers to the questions below proceed with

¹ University of Birmingham, U.K.

² University of Birmingham, U.K.

³ Madison, the primary author of the U.S. Constitution, wrote in the *Federalist Papers* (#57): “The aim of every political Constitution, is or ought to be, first to obtain for rulers men who possess most wisdom to discern, and most virtue to pursue, the common good of society; and in the next place, to take the most effectual precautions for keeping them virtuous whilst they continue to hold their public trust.” As Besley (2005) points out, too often the emphasis is on the second (keeping them virtuous) while neglecting the first (selecting the best people)



UNIVERSITY OF
BIRMINGHAM

the caveat that they would of necessity be tentative as the accountability frame work is fairly complex as we indicate below (and the theory underpinning this has usually been analysed for simpler environments) and the empirical analysis for this new institution is still in its early stages. We feel these set of questions are a useful exercise in gathering what we know about PCCs while acknowledging that we do not have definitive answers to a number of the important questions that are posed.

i. Are there any gaps in the existing mechanisms for holding PCCs to account?

PCCs ultimately face the electorate at the end of the term (if they stand for re-election) yet beyond the dismissal at the end of four years, a number of secondary mechanisms are in place that are supposed to hold the PCC to account. These include accountability to the Police and Crime Panel, publishing of information for public comment and keeping in mind the constraints placed by the SPR.

The power of the Police and Crime Panel is debatable, given that they can only dismiss a PCC if they have served at least two years in prison. Yet, through their advisory power, they still advice and try to hold the PCC to account.

Regards publishing of information, this includes a policing plan, outlining their priorities, annual progress reports, and audited accounts. Yet, as is clear from the literature in political economy, the very nature of electoral politics leads to certain distortions in decision-making (see Bandyopadhyay and McCannon, 2014 a and b for distortions created by the elections of prosecutors) that need to be countered by delegating authority to personnel who are insulated from electoral incentives. The PCCs are advised by the audit committee (see vii) and in principle the Chief Constable remains free of electoral pressure but the power of the PCC to dismiss the Chief Constable limits the insulation from public pressure that the chief constable faces. Often accountability is strengthened by appropriate checks and balances and delegation to people who do not face electoral pressure. It is not yet wholly clear yet whether the checks and balances and part-insulation from public pressure are at the appropriate level.

A good measure of accountability will lead to high quality PCCs getting re-elected while low quality PCCs will not stand for re-election. This requires a good deal of public engagement in the process, without which a minority of citizens will determine the electoral fate of PCCs. This remains the ultimate roadblock to accountability, the lack of a public understanding of the role of PCCs and the poor voter turnout to elections. A free media can fill the gap but the role of the media in accountability is mixed at best (see Besley and Pratt, 2006) and has itself come under a lot of scrutiny.

Keeping in mind that the PCCs are in their first term, any understanding about their workings and mechanisms that hold them to account cannot be definitive.

ii. What can PCCs do themselves to improve their accountability to the public in between elections? How well are these mechanisms working in practice?



UNIVERSITY OF
BIRMINGHAM

As discussed, there are multi layered accountability mechanisms. In addition, PCCs publish a “record of decisions” on their website where people can see a summary of decisions they have made. Information about PCCs seems to only be available on the internet. For example, before the first elections, candidate information was only available online. Offline information continues to be a scarce commodity with most PCCs providing the bulk of information about their activities online. This leaves out the 20% of the population who couldn’t access the pre-election information or subsequent information released by PCCs.⁴

For true public engagement, PCCs should explain not just what s/he does but why and touches on what cannot be accomplished given a limited budget. That allows for a more meaningful discussion with the public and strengthens democratic accountability.

iii. How are PCCs ensuring transparency in their decision making?

PCCs provide a host of information to the public (though mostly online, see above). These include the PCC plans, surveys of public expectations, open house sessions and going out and talking to the public. PCCs also offer more one to one opportunities for involving the public, e.g. “Skype Surgery” – An event where members of the public can talk to the West Midlands PCC one to one on Skype. The PCC for Essex offers 10 minute “surgery appointments” to the public to discuss issues. Whether the rationale for making decisions is conveyed to the public in simple language remains something to be analysed e.g. through public surveys that test public understanding of the decisions made by PCCs.

iv. What information is being made available to the public to enable them to scrutinise the performance of their local police force and hold PCCs to account? To what extent is it easily accessible, understandable and reliable?

PCCs provide a host of information e.g. Monthly Expenses, Police and Crime Plan and an Annual report

This information is available online (see earlier caveat). It does seem to be accessible, understandable (though see next paragraph) and at face value reliable. In the absence of any body that independently does a fact check, one is unable to say more than this. One hopes that the Audit committees and police and crime panel provides some scrutiny of the reliability of information that is publicly released.

When searching for information about PCCs, particularly on their own website, there seems to be a lot of “management speak”. For example, common aims are along the lines of “reducing crime” or “making communities safer”. Although very desirable, these aims are extremely vague and fail to give any specific, practical steps that are being taken. This leads to some public enlightenment but unless one reads the detailed information in annual reports, the information though accessible does not necessarily enhance public understanding.

v. What has worked best for PCCs in engaging with the public and local communities?

⁴ According to the ONS, “In 2012, 21 million households in Great Britain (80 per cent) had Internet access”.



UNIVERSITY OF
BIRMINGHAM

Since the first elections, public awareness of PCCs has increased greatly. In their evidence a number of witnesses quoted the results of a poll carried out by ComRes for the BBC, which found that 62 per cent of people were aware that they had a PCC for their area. They contrasted this with previous research showing that only seven per cent of the general public were aware of the old police authorities. See

<http://www.publications.parliament.uk/pa/cm201314/cmselect/cmhaff/757/757.pdf> gives illustrations of how PCCs have increased public awareness.

There is no hard evidence around what has worked best for PCC in community engagement to the best of our knowledge but analysis of such best practices would greatly enhance our understanding.

vi. How well are Police and Crime Panels able to hold a PCC to account between elections?

Police and crime panels play a mainly advisory role.

a. Does the role of the Police and Crime Panel need any further clarification?

The Role of Police and Crime Panel is fairly detailed but it is mainly advisory and even in the case that the conduct of PCCs have been egregious, it is not able to be able to dismiss a PCC. So in this context it seems that “holding to account” just means reviewing crime plans and offering advice. This contrasts with the way a PCC holds the Chief Constable to account, whereby they can review their work but also hire/fire. So “holding to account” means different things in different contexts.

There is no agreed optimal level of accountability. “Holding to account” or monitoring takes time and resources, so monitoring every decision that the PCC makes would be inefficient (the panel may as well do the job themselves). Therefore, the key is to get the right balance between the ability of the PCC to carry out the job properly and the right amount of monitoring so that the quality of decisions and behaviour are accountable to the electorate. A rigorous analysis of how these panels functioned across PFAs would greatly aid our understanding and allow a more definitive answer to the question.

b. How well are the current “balanced” 43 membership arrangements ensuring effective scrutiny and support of PCCs?

This has varied across areas and some PCCs have been dismissive of the level of scrutiny that this offers. (See Raine, forthcoming, for some preliminary evidence based on self-reported views of PCCs on how well they are being held to account).

c. Are the current membership thresholds requiring a two thirds majority to veto a PCC’s level of precept and appointment of a Chief Constable proving practicable?

There is very little evidence on this issue to the best of our knowledge. Clearly, such supermajority rules have both advantages and disadvantages. Supermajority rules increase the bar required to veto a PCC’s precept and prevents the panel (whose political composition may put it at odds with the PCC) from blocking police funding levels unnecessarily. As an additional scrutiny, it may have little teeth as getting a 2/3 veto is not easy and moreover it appears that the PCCs are not fully bound by



UNIVERSITY OF
BIRMINGHAM

it, but need only to 'have regards and respond to' the veto. The more general point is whether democratic accountability is working in 'selecting' the right people and weeding out poor quality candidates. If it does, then additional constraints such as veto by the panel on precept proposals should remain high and allow the PCC to function efficiently. On the other hand, if the selection procedure is not working well, such additional checks and balances need more teeth.

d. Should Police and Crime Panels have the power to veto PCC appointments of senior staff where they believe the criteria for suitability were inappropriate or not satisfied?

This is related to question (vi) and the way that the Police and Crime Panel are able to hold the PCC to account. If it were the case that the election process worked very well and those who are most qualified are elected as PCC, then the Police and Crime Panel might only need to give advice on decisions in order to hold them to account. But as it stands, it seems that they do need greater power to control decisions made by the PCC and the appointment of senior staff is an important decision. If appointments are being made where the criteria for suitability are inappropriate or not satisfied, then this decision needs to be monitored as it is not always being made well.

e. How should PCCs be held to account for their standards of personal conduct? What role should Police and Crime Panels have in this?

The personal conduct of PCCs has sometimes received negative media coverage. These have included gross negligence while in previous office, appointment of people to key positions without background checks, revealing confidential information about a whistle-blower. In one of the cases there has been a sustained call for the PCC to step down, including from the Home Minister, his own party and his deputy. Yet, there did not exist any mechanism for being removed for personal conduct (short of a criminal offence leading to a sentence of at least two years). One may interpret the ultimate resignation of the PCC as the power of public accountability, but it is clear there are no mechanisms currently in place to hold PCCs in account for their personal conduct.

vii. Are the boundaries between the local roles and responsibilities of the PCC and Chief Constable being adequately communicated and understood by local communities? Is there evidence that they require any further clarification or guidance?

This poses an issue beyond whether the boundaries are understood by the public, as the boundary itself is both conceptually ambiguous and operationally problematic. Conceptually, the role of the Chief Constable is to run the police force (operational) and the role of the PCC is to tell the Chief Constable what are the priorities for the police (strategic) and to hold the Chief Constable to account. However, as the theory of incomplete contracts tell us (Hart and Moore, 2007) it is impossible in advance to specify all contingencies and class them as under the remit of one or the other. In particular, who has 'residual' ownership over decisions that do not fall into the neat operational-strategic divide is not well defined. As Lister (2013) points out 'Yet in policing, the distinction between 'strategic' and 'operational' matters is as conceptually ambiguous as it is politically contentious.' It is indeed easy to see that priorities determine the flow of resources and these in turn determine how policing operates. PCCs and Chief Constables have a common interest



UNIVERSITY OF
BIRMINGHAM

in efficient use of resources, but if their understanding of the priorities for crime fighting and ideas of community safety differ, conflicts will arise as to how the police operate and determine how well the PCCs strategic objectives are served and the PCCs strategic objectives in turn constrain how the police operate. Given this, one is hardly surprised that there have been well known 'boundary disputes' between PCCs and chief constables.

This conceptual lack of clarity implies that one cannot expect the public to be fully cognisant of what is an operational issue and what is strategic. However, in line with a move towards better public understanding of their roles, more clarity about those areas where there is no dispute about what is an operational issue and what is strategic can be conveyed more clearly. In this context, democratic accountability poses an additional burden as public unhappiness about the way police operate (lack of visible presence for instance) in achieving a strategic objective (lowered fear of crime) may lead to conflicts between the PCCs and the Chief Constable in how to achieve such strategic objectives.

viii. According to the Financial Management Code, Audit Committees should 'advise the PCC and the Chief Constable according to good governance principles and to adopt appropriate risk management arrangements.' How well is this working in practice? Are there any examples of conflicts of interests arising from PCCs and Chief Constables having in some cases, a joint audit committee and/or a joint chief financial officer?

We are not aware of any evidence that allows us to comment on how well this is working. Theoretically, there remains the possibility of conflicts of interest.

ix. What do you see are the key responsibilities of PCCs as ethical leaders? Can you provide examples of PCCs managing those responsibilities well, or, if not, suggest what can be improved?

This seems to be one area in which at least some basic principles have already been articulated. PCCs as elected leaders of the people should be bound by those ethics that govern those who serve in public offices. PCCs are expected to adhere to the "7 principles of public life":

<https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life--2>

Additionally, the code of ethics set out in the College of Policing document (http://www.college.police.uk/en/docs/Code_of_Ethics.pdf) is something they may choose to adopt.

Many have already indicated that they plan to do so.

Many PCCs seem to have decided on their own code of conduct based on these 7 principles. For example, the code of conduct for Cheshire PCC:

<http://www.cheshire-pcc.gov.uk/Document-Library/Policies/PCC-DPCC-Code-of-Conduct.pdf>

All of this suggests a key common understanding of their obligation for ethical conduct.

While there has been some unfavourable news coverage of PCCs, and some outlier behaviour by one or two, there are not that many controversies around them regarding their standards of ethical



UNIVERSITY OF
BIRMINGHAM

behaviour. The controversies are more generally around policing and calls for a revamp of their governance structure while justified have not articulated a clear vision for 'what works' in ethical behaviour.

x. What actions are PCCs taking to ensure that they and the police force they hold to account maintain the highest ethical standards and embed the Policing Code of Ethics? In particular how are PCCs and Chief Constables as leaders promoting and sustaining the core values of policing in the face of all the other pressures on the force? How are any obstacles being overcome?

One of the 7 principles is accountability which is particularly important for PCCs. Publishing information and engaging with the public are efforts to achieve this. We are not aware of any work in the literature that does a detailed organisational study of how well PCCs and chief constables are promoting these core values.

xi. Is there sufficient transparency of propriety information from PCCs, for example published information on expenses, registers of interest, gifts and hospitality and external meetings?

This information is freely available for PCCs on their websites.

xii. What measures have proved helpful in supporting PCCs to identify and resolve conflicts of interest in discharging their duties? Are there sufficiently robust protocols and guidance in place locally to manage these in a transparent way?

Where there are conflicts of interest, PCCs are able to refer problems to the Independent Police Complaints Commission or the Police and Crime Panel, so they do have support in decision making when they need it. The independence of the complaints commission means that cases should be dealt with in an impartial way. We await a rigorous analysis of how well this has worked for PCCs.

References

Bandyopadhyay, S. and B. McCannon (a) (2014) Prosecutorial Retention: Signalling by Trial, forthcoming, *Journal of Public Economic Theory*.

Bandyopadhyay, S. and B. McCannon (b) (2014) The Effect of the Election Process of Prosecutors on Criminal Trials, *Public Choice*, 161 (1), p. 141-156.

Berdejo, C. and N. Yuchtman (2010) Crime, Punishment, and Politics: An Analysis of Political Cycles in Criminal Sentencing, *Working Paper*

Besley, T. (2005) Political Selection, *Journal of Economic Perspectives*, 19 (3), p. 43-60.

Besley, T. and A. Prat (2006) Handcuffs for the Grabbing Hand? Media Capture and Government Accountability, *American Economic Review*, 96(3), 720-736.

Bevan, G. and C. Hood (a) (2006) What's measured is what matters: targets and gaming in the English public health care system, *Public Administration*, 84 (3), p. 517-538.



UNIVERSITY OF
BIRMINGHAM

Bevan, G. and C. Hood (b) (2006) Gaming in Targetworld: The Targets Approach to Managing British Public Services, *Public Administration*, 66 (4), p. 515–521.

Hart, O. and J. Moore (2007) Incomplete Contracts and Ownership: Some New Thoughts, *The American Economic Review*, 97 (2), p. 182-186.

Inglis, K. (2014) The Effect of Police and Crime Commissioners' Policing Experience on Efficient Policy Implementation, unpublished dissertation, University of Birmingham.

Lister, S. (2013) The New Politics of the Police: Police and Crime Commissioners and the 'Operational Independence' of the Police, *Policing: A Journal of Policy and Practice*, 7 (3), p. 239-247.

Raine, J. and E. Dunstan (2007) Enhancing Accountability in Local Policing: Lessons from a Series of Pilot Projects, *Policing: A Journal of Policy and Practice*, 1, p. 327-341.

Raine, J. and P. Keasey (2012) From Police Authorities to Police & Crime Commissioners: might policing become more publicly accountable?, *International Journal of Emergency Services*, 1 (2), p. 122-134.

Raine, J., forthcoming, Electocracy with Accountabilities? The Novel Governance Model of Police and Crime Commissioners. In Lister S and M Rowe (eds) *Accountability and Policing*, London: Routledge

Romzek, B. (2000) Dynamics of Public Sector Accountability in an Era of Reform, *International Review of Administrative Sciences*, 66(1), p. 21-44.

Romzek, B. and M. Dubnick (1987) Accountability in the Public Sector: Lessons from the Challenger Tragedy, *Public Administration Review*, 47 (3), p. 227-238.

Shepherd, J.M. (2009) The Influence of Retention Politics on Judges' Voting, *Journal of Legal Studies*, 38, p. 169-206.

Tirole, J. (1986) Hierarchies and bureaucracies: On the role of collusion in organisations, *Journal of Law, Economics and Organisation*, 2 (2), p. 181-214.

**SOUTH WALES POLICE AND CRIME PANEL
PANEL HEDDLU A THROSEDDU DE CYMRU**

Committee on Standards in Public
Life,
Room GC.05
1 Horse Guards Road
London
SW1A 2HQ

Canolfan Ddinesig
Stryd Y Castell
Merthyr Tudful
CF47 8AN

Ffon :
(01685) 725201



Civic Centre
Castle Street
Merthyr Tydfil
CF47 8AN

Tel:
(01685) 725201

Dyddiad/Date : 26th Nov 2014

Ein Cyf/Our Ref. : SDJ.
Eich Cyf/Your Ref. :

Uniongyrchol/Direct Line :
Gofynnwch am/Please Ask For :
e-bost/e-mail :

(01685) 725201 / 725464
Mr Simon Jones
SWPCP@merthyr.gov.uk

Dear Sirs,

Re: **Local Policing – accountability, leadership and ethics**

I write in relation to your letter of the 10th October 2014 and the questions posed in the issues and questions paper and set out herewith the responses from the South Wales Police & Crime Panel.

Question i.

Are there any gaps in the existing mechanisms for holding PCCs to account?

As far as the South Wales Police and Crime panel is concerned, the simple answer is yes. The panel does not have access to any independent information and is therefore generally reliant on the information and evidence provided by the South Wales Police and Crime Commissioner. This cannot be addressed by the panel in it's current form with it's current remit and funding.

Panels have limited budgets to conduct their business. For example they hold regular meetings to scrutinise the work of the Commissioner, and manage a very narrow process in dealing with complaints. Should there be an issue concerning either a Commissioner's conduct or his/her ability to properly carry out his/her role, then the Panels intervention is the first opportunity that the public have to address the situation. There appears to have been a lot of thought regarding the Commissioners role but very little regarding public scrutiny and the role of the Panel. Recent events involving other Panels have highlighted the gap that exists regarding a Panels ability to effectively intervene on behalf of the public. The Panel is the guardian of public accountability.

Question ii

What can PCCs do themselves to improve their accountability to the public in between elections? How well are these mechanisms working in practice?

In terms of South Wales, the Police & Crime Commissioner meets regularly with stakeholder groups which allows for the particular concerns of these groups to be addressed. A mechanism should be found to give the wider public an opportunity to engage with

Commissioners and their staff on general public interest matters. The use of questionnaires is relevant but the opportunity to join in a debate does not seem to be available. The scrutiny of Commissioners needs to be reinforced. The question that should be asked is how the public can improve accountability. The answer is to reform Panels.

Question iii

How are PCCs ensuring transparency in their decision making?

The use of the focus groups and internal panels oftentimes leads to members of the public feeling disadvantaged and without an opportunity to challenge. In such circumstances it is not uncommon for the public to believe that the information they receive has been through numerous internal processes and is the perceived wisdom of a Police and Crime Commissioner, a Police and Crime Panel or the Police.

Panels are in need of reform. At present they play only a minor role. Instead of five meetings a year there should be a regular structured and thematic series of meetings to cover all aspects of policing. From community policing to counter terrorism the range is vast and at present outside of the reach of panel capacity. Public funds appear to have been directed more into the office of the Police & Crime Commissioner with very little strategic thought regarding financing public scrutiny of the role.

Question iv

What information is being made available to the public to enable them to scrutinise the performance of their local police force and hold PCCs to account? To what extent is it easily accessible, understandable and reliable?

The use of new technology is widespread but ignores the needs of those who are not computer users in the various forms (iPhones, Tablets etc.) Panel meetings are open and space is provided for members of the public to attend but the mechanisms for their questioning require development. The information currently made available to the public is usually a copy of the information given to the panel. Police & Crime Commissioners should be required to publish an executive version of their annual report both electronically and through the written media.

Question v.

What has worked best for PCCs in engaging with the public and local communities?

There are question marks about the public's engagement with Police and Crime Commissioners. With such a large geographical area covered by the South Wales Police force it can be difficult for the Police & Crime Commissioner to communicate with all communities. In particular this may present difficulties for members of the public wishing to attend Police & Crime Commissioner meetings. The South Wales Police & Crime Panel believes that it is imperative that the work of the Police & Crime Commissioner is augmented by regular written communications with the public. The South Wales Police & Crime Commissioner attends the meetings of the South Wales Police & Crime Panel. These meetings are held in a convenient location which is relatively central in the South Wales Police area making attending these meetings convenient for most people in the area. From information provided to the South Wales Police and Crime Panel there would seem to be evidence that as far as South Wales is

concerned there has been significant engagement between the Commissioner and community leaders – see also answer to Question vii.

Question vi.

How well are Police and Crime Panels able to hold a PCC to account between elections?

a. *Does the role of the Police and Crime Panel need any further clarification?*

The South Wales Police & Crime Panel believes that the role of Police & Crime Panels need revisiting. There is a lot of confusion nationally from both the public and Panel members in understanding the remit given to Panels and how that remit should be undertaken and applied. Panel members have expressed frustration that the role of the Panel would not seem to have been adequately thought through before being introduced in 2012 and as a direct result they feel restricted with regard to both their power and purpose in actively being the guardians of governance and standards over Police and Crime Commissioners on behalf of the public.

An effective Panel needs empowerment, the power of sanction and of course appropriate funding to function effectively. These issues and others are supported in the report; *Police and Crime Commissioners:- Progress to date (May 2014)* which reports that panels need to be strengthened etc. These issues need to be considered and clarified and any actions arising will then need to be effectively communicated to our communities.

b. *How well are the current “balanced” membership arrangements ensuring effective scrutiny and support of PCCs?*

As far as the South Wales Police & Crime Panel is concerned the “balanced” membership has worked well with the Panel not being subject to political bias. This is due, in part, to the input from independent members, who contribute from a wealth of experience.

c. *Are the current membership thresholds requiring a two thirds majority to veto a PCC’s level of precept and appointment of a Chief Constable proving practicable?*

The membership thresholds requiring a two thirds majority to veto a PCC’s level of precept and appointment of a Chief Constable is not considered to be an issue as far as the South Wales Police & Crime Panel is concerned. That said the precept is problematic. The possibility of the Police & Crime Commissioner being able to ignore and vary a Panel’s resolution is considered by some undemocratic.

d. *Should Police and Crime Panels have the power to veto PCC appointments of senior staff where they believe the criteria for suitability were inappropriate or not satisfied?*

Yes. Panels should have to power to veto. As matters currently stand we can only disagree with any proposed appointment. Panels need the public to know they are meaningful bodies that can ensure good governance and ethical standards of behaviour and do not simply carry out rubber stamping exercises. The Panel could form part of the selection process.

e. *How should PCCs be held to account for their standards of personal conduct? What role should Police and Crime Panels have in this?*

Panels need the power to ensure Police & Crime Commissioners comply with standards and ethical behaviour. Panels should be given training, funding, and a clear remit to take a

lead on such matters. Some Panel members believe that If funded appropriately Panels could have a statutory responsibility to investigate complaints by way of a regional disciplinary panel. It is suggested that at the conclusion of an investigation a regional panel could refer a matter to Parliament if it was considered by the regional panel that a Police & Crime Commissioner should be removed from office. A cross party ethics committee could decide the ultimate sanction.

The Panel believes that it is important for the integrity of the complaint process that it is able to stand Independent scrutiny. Of concern to some Panel members is the fact that the informal resolution process adopted by the majority of Panels allows Commissioners to in effect “investigate” themselves. Police & Crime Commissioners are democratically elected to their roles every four years, however during this period there are no effective mechanisms available to Police & Crime Panels to deal with Commissioners should there be a need to address serious public concerns.

Question vii.

Are the boundaries between the local roles and responsibilities of the PCC and Chief Constable being adequately communicated and understood by local communities? Is there evidence that they require any further clarification or guidance?

The South Wales Police & Crime Commissioner has supplied the Panel with a list of meetings he has attended where he has spoken to Local Groups and Communities. On one occasion he attended a meeting with the Opposition Groups on The City and County of Swansea. At that meeting he outlined both his responsibilities and those of the Chief Constable. Following that meeting all members present had a much clearer knowledge of their respective roles. That said there is a need for clear statements of the areas of responsibility to be published. Misunderstandings have arisen where Operational Policing is confused with a Commissioner’s accountability, and this has been reflected in some of the complaints lodged against the Commissioner.

Question viii.

According to the Financial Management Code, Audit Committees should ‘advise the PCC and the Chief Constable according to good governance principles and to adopt appropriate risk management arrangements.’ How well is this working in practice? Are there any examples of conflicts of interests arising from PCCs and Chief Constables having in some cases, a joint audit committee and/or a joint chief financial officer?

The current situation seems to be robust.

Question ix,

What do you see are the key responsibilities of PCCs as ethical leaders? Can you provide examples of PCCs managing those responsibilities well, or, if not, suggest what can be improved?

No response

Question x,

What actions are PCCs taking to ensure that they and the police force they hold to account maintain the highest ethical standards and embed the Policing Code of Ethics? In particular

how are PCCs and Chief Constables as leaders promoting and sustaining the core values of policing in the face of all the other pressures on the force? How are any obstacles being overcome?

The panel would like the power to receive regular reports on the regulatory maintenance of standards and under exempt information where the standards have not been met.

Question xi,

Is there sufficient transparency of propriety information from PCCs, for example published information on expenses, registers of interest, gifts and hospitality and external meetings?

The South Wales Police & Crime Commissioner makes this information available in electronic form. An annual statement published in the local media would enhance transparency.

Question xii,

What measures have proved helpful in supporting PCCs to identify and resolve conflicts of interest in discharging their duties? Are there sufficiently robust protocols and guidance in place locally to manage these in a transparent way?

The Panel feels that due to the hasty process which led to the election of the Commissioners much of this work is still in progress.

Should you require any additional information the please do not hesitate to contact me. Similarly the Panel or representative/s from the Panel would be more than happy to meet with the Committee to discuss matters further.

Yours sincerely

Simon D. Jones
Solicitor
Merthyr Tydfil County Borough Council
On behalf of the South Wales Police & Crime Panel

Staffordshire

Local Policing – accountability, leadership and ethics

Current Accountability Structures

Consultation Questions

Question 1:

Are there any gaps in the existing mechanisms for holding PCCs to account?

Comments

Question 2:

What can PCCs do themselves to improve their accountability to the public in between elections? How well are these mechanisms working in practice?

Comments

Question 3:

How are PCCs ensuring transparency in their decision making?

Comments

The PCC has established a new Ethics, Transparency and Audit (ETA) panel, which is made up of members of the public. They test the accuracy of crime recording, examine the response of police to incidents and analyse the way they handle complaints about policing, as well as having oversight of budget, accounts and officer expenses. It was set up to make policing in Staffordshire the **most open and transparent in the country**. It rigorously challenges critical aspects of policing. All aspects of decision making can be tested by the panel to ensure that there are robust, ethical and consistent processes in place.

Question 4:

What information is being made available to the public to enable them to scrutinise the performance of their local police force and hold PCCs to account? To what extent is it easily accessible, understandable and reliable?

Comments

Through the website and more widely, through the use of social media, information is constantly being shared, with public meetings being broadcast on the internet and available for viewing at any time. This level of openness means the PCC is always held to account by the public and every decision and statement is effectively scrutinised. The information shared goes much further than performance data, it covers a number of projects and initiatives that are being worked on and gives the opportunity for feedback throughout the process. The level of consultation has significantly increased through visibility across the county.

Question 5:

What has worked best for PCCs in engaging with the public and local communities?

Comments

Local accountability is about meeting the people and truly understanding what matters in communities. This has been done through visibility days, which take place across supermarkets, town centres, local meetings and other events to ensure that the widest cross section of views are captured. This personal, style has been effective in getting communities to start talking about the issues that matter to them in their neighbourhoods, providing the PCC with first hand examples of how things can improve, as well as direct feedback on the work done so far.

Question 6:

How well are Police and Crime Panels able to hold a PCC to account between elections?

Comments

Question 6a:

Does the role of the Police and Crime Panel need any further clarification?

Comments

--

Question 6b:
How well are the current “balanced” ¹¹ membership arrangements ensuring effective scrutiny and support of PCCs?

Comments

--

Question 6c:
Are the current membership thresholds requiring a two thirds majority to veto a PCC’s level of precept and appointment of a Chief Constable proving practicable?

Comments

--

Question 6d:

¹¹ Schedule 6 paragraph 31 PRSRA sets out the duty to provide a balanced panel. The “balanced appointment objective” referred to in this paragraph is the objective that local authority members of a police and crime panel (when taken together)—

- (a) represent all parts of the relevant police area;
- (b) represent the political make-up of—
 - (i) the relevant local authority, or
 - (ii) the relevant local authorities (when taken together);
- (c) have the skills, knowledge and experience necessary for the police and crime panel to discharge its functions effectively.

Should Police and Crime Panels have the power to veto PCC appointments of senior staff where they believe the criteria for suitability were inappropriate or not satisfied?

Comments

--

Question 6e:

How should PCCs be held to account for their standards of personal conduct? What role should Police and Crime Panels have in this?

Comments

The police and crime are well placed to hold PCCs to account. There may be benefit in providing more support/expertise in areas they may need to test further

Question 7:

Are the boundaries between the local roles and responsibilities of the PCC and Chief Constable being adequately communicated and understood by local communities? Is there evidence that they require any further clarification or guidance?

Comments

The difference in role between Chief Constable and PCC is one that always require careful communication and management. The use of phrases in the media such as 'Police Chief' or 'Police Czar' can often lead the public to getting mixed messages about the role. While there may not be specific evidence that demonstrates the need for more guidance, it is clear that further clarification will help local communities understand where issues can be dealt with.

Question 8:

According to the Financial Management Code, Audit Committees should 'advise the PCC and the Chief Constable according to good governance principles and to adopt appropriate risk

management arrangements.' How well is this working in practice? Are there any examples of conflicts of interests arising from PCCs and Chief Constables having in some cases, a joint audit committee and/or a joint chief financial officer?

Comments

The PCC and force in Staffordshire operate joint arrangements as part of its wider Ethic Transparency And Audit Panel. This has worked well in understanding issues across both organisations as the risks can be seen in a wider context. The force and PCC operate with separate Chief Financial Officers, which ensure the appropriate level of distance between the decision making of each organisation.

Ethical Leadership

Consultation Questions

Question 9:

What do you see are the key responsibilities of PCCs as ethical leaders? Can you provide examples of PCCs managing those responsibilities well, or, if not, suggest what can be improved?

Comments

Question 10:

What actions are PCCs taking to ensure that they and the police force they hold to account maintain the highest ethical standards and embed the Policing Code of Ethics? In particular how are PCCs and Chief Constables as leaders promoting and sustaining the core values of policing in the face of all the other pressures on the force? How are any obstacles being overcome?

Comments

See previous comments re: Ethics Transparency and Audit Panel – independent scrutiny across both organisations as well as sustained focus from PCCs office on ethical standards and decision making.

Question 11:

Is there sufficient transparency of propriety information from PCCs, for example published information on expenses, registers of interest, gifts and hospitality and external meetings?

Comments

--

Question 12:

What measures have proved helpful in supporting PCCs to identify and resolve conflicts of interest in discharging their duties? Are there sufficiently robust protocols and guidance in place locally to manage these in a transparent way?

Comments

--

Committee on Standards in Public Life

Local Policing – accountability, leadership and ethics

Response Form

Consultation Questions

The Committee has commenced an inquiry on the public accountability structures of the police. We are looking at the structures in place for ensuring ethical standards in the conduct and performance of Police and Crime Panels, Police and Crime Commissioners, and Chief Constables.

The Committee would like to hear your views. Please use this form to answer some or all of the questions in the Issues and Questions paper available at: https://whitehall-admin.production.alpha.gov.co.uk/government/uploads/system/uploads/attachment_data/file/360941/Police_Accountability_Structures_-_Issues_and_Questions_Paper.pdf

How to respond

Completed response forms should be sent by email to public@standards.gsi.gov.uk or by post to the Secretary to the Committee on Standards in Public Life GC05 1 Horse Guards Road, London SW1A 2HQ.

Name: Julie Plant
Contact address: Member & Democratic Services Unit, Staffordshire County Council, Wedgwood Building, STAFFORD

Postcode: ST16 2DH
Contact Telephone: [REDACTED]
E-mail: Julie.plant@staffordshire.gov.uk

Freedom of Information

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes. The relevant legislation in this context is the Freedom of Information Act 2000 (FOIA) and the Data Protection Act 1998 (DPA).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals amongst other things, with obligations of confidence. In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Committee.

The Committee will process your personal data in accordance with the DPA and in most circumstances this will mean that your personal data will not be disclosed to third parties. However, it is important for the evidence considered by the Committee to be open and transparent. All responses will be published along with the identity of the person or organisation making the submission, unless the Committee is satisfied both that there is a compelling reason for an exemption to be granted and that the integrity of the process will not be undermined.

Please tick the appropriate response:

Are you responding: - *as a member of the public*
 - *as a member of the police*
 - *on behalf of another organisation*

<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>

If you are responding on behalf of an organisation, please tell us your area of work, e.g police constabulary, regulator, trade union, think tank etc

Staffordshire Police and Crime Panel

This response is forwarded on behalf of the Staffordshire Police and Crime Panel and, in the main, supports the formal response from the Local Government Association. Consequently for a number of replies we have not repeated the detailed references to particular instances or circumstances contained in the LGA response.

In addition an Appendix is included which contains the observations of the Chairman of the Staffordshire Police and Crime Panel on the relationship between PCCS and Chief Constables, options for democratic local accountability and on the role of the Police Service.

Local Policing – accountability, leadership and ethics

Current Accountability Structures

Consultation Questions

Question 1:

Are there any gaps in the existing mechanisms for holding PCCs to account?

Comments

The concept of the PCC is an elected individual accountable directly to the public however in reality this means that that accountability only takes place once every four years. In the interim, restrictions on both the resources and powers of PCPs means that they are limited in the extent to which they can carry out their role of representing communities in holding PCCS to account.

The greatest power available to Panels is in terms of holding public meetings and their ability to question and challenge PCCs in the public eye. The success of this itself depends on public awareness and interest in both the PCC as an office and the Panel as a Body. Experience such as recent events in Rotherham has shown that interest is only generated in very high profile circumstances and even then the level of longer term interest is debatable.

With regard to the handling by Panels of complaints against PCCs, the absence of sanctions means that, again, only public debate can have any effect. Panels are forced to resort to persuasion to secure commitment to act from PCCs. The role of Panels on complaints handling needs to be strengthened in terms of sanctions or removed completely.

Question 2:

What can PCCs do themselves to improve their accountability to the public in between elections? How well are these mechanisms working in practice?

Comments

Whilst PCCs have various 'governance' requirements placed upon them, in reality these requirements are written in general terms and are open to wide interpretation.

'Significant public interest' should be defined in Regulations to assist both the public and Panels in holding PCCs to account. On a more practical level PCCS should engage with local councillors to improve their accountability.

Question 3:

How are PCCs ensuring transparency in their decision making?

Comments

Research has shown inconsistencies amongst the practices of PCCs in terms of publishing decisions made by them. In many cases statutory transparency requirements are not being met with Panels having no power to secure improvements.

Question 4:

What information is being made available to the public to enable them to scrutinise the performance of their local police force and hold PCCs to account? To what extent is it easily accessible, understandable and reliable?

Comments

Historically, recorded crime statistics have provided an obvious source of information for the public albeit without full explanation of the context of those figures. Panels and the public would be better served by the development of public satisfaction surveys (including victims of crime) as part of the PCCs Annual Report to be debated in detail, in public, by Panels.

Question 5:

What has worked best for PCCs in engaging with the public and local communities?

Comments

In Staffordshire the PCC has notably embraced social media as the most effective, immediate means of sharing information. The advantages this gives, particularly in reaching the 'younger population' and addressing logistical problems presented by the wide geographical area covered by the PCC have to be acknowledged. The issue facing Panels is to identify the substance behind the headlines.

Question 6:

How well are Police and Crime Panels able to hold a PCC to account between elections?

Comments

See reply to Q1 above re limited resources and public awareness of PCPs and their role.

Central Governments model of PCPs only needing to meet approximately four times each year has proven to be unrealistic given the Panels' duties to hold confirmatory hearings, scrutinise the PCCs decisions and Precept and deal with complaints.

As alluded to above, experience is showing that only highly controversial issues which attract media attention are generating interest in the work of Panels.

Question 6a:

Does the role of the Police and Crime Panel need any further clarification?

Comments

The two aspects of the role are to 'scrutinise' and to 'support'. Expectations on the level of emphasis placed on each of those aspects vary between the PCC and the Panel with potential for conflict ever present. The grey area of Panels needing to consider matters which border 'operational' in order to properly scrutinise the PCC has the potential to cause tensions.

Question 6b:

How well are the current "balanced"¹ membership arrangements ensuring effective scrutiny and support of PCCs?

¹ Schedule 6 paragraph 31 PRSRA sets out the duty to provide a balanced panel. The "balanced appointment objective" referred to in this paragraph is the objective that local authority members of a police and crime panel (when taken together)—

(a) represent all parts of the relevant police area;

(b) represent the political make-up of—

(i) the relevant local authority, or

(ii) the relevant local authorities (when taken together);

(c) have the skills, knowledge and experience necessary for the police and crime panel to discharge its functions effectively.

Comments

The current 'balanced membership' arrangement is difficult to achieve given the requirement to represent the political make up of the member local authorities. Where, as in the vast majority of cases, the PCC belongs to a political party the independence of the Panel with a majority of members from that same political party is difficult to portray.

Question 6c:

Are the current membership thresholds requiring a two thirds majority to veto a PCC's level of precept and appointment of a Chief Constable proving practicable?

Comments

The two-thirds threshold required to exercise the veto poses practical difficulties. In the case of Staffordshire this has led to the introduction of a substitute member system which, in itself raises question about the experience and previous involvement of members who might be empowered to exercise the veto.

The power of veto over the PCCs proposed Precept is limited in its effect as only a minor amendment to the proposal is required of the PCC in response. Arguably a simple majority vote could have the same effect.

For the appointment of a Chief Constable it is accepted that the two-thirds majority could be justified if considered in the context of the serious consequences which the exercise of the veto could have both for the Police Service and the candidate him/herself.

Question 6d:

Should Police and Crime Panels have the power to veto PCC appointments of senior staff where they believe the criteria for suitability were inappropriate or not satisfied?

Comments

We would support this suggestion.

Question 6e:

How should PCCs be held to account for their standards of personal conduct?
What role should Police and Crime Panels have in this?

Comments

Panels are limited in their powers to act where complaints about the PCCs conduct/behaviour are found to be justified. Consequently, as indicated above, we would call for either increased powers to impose sanctions or the removal of responsibility for complaints handling from the remit of Panels.

Whilst Panels are seen as the voice of the community holding PCCs to account recent high profile cases have highlighted the absence of powers to actually enforce the will of the people (eg power of recall). We support the Home Affairs Select Committee's draft Bill providing for such recall.

Question 7:

Are the boundaries between the local roles and responsibilities of the PCC and Chief Constable being adequately communicated and understood by local communities? Is there evidence that they require any further clarification or guidance?

Comments

The boundaries between the local roles of the PCC and Chief Constable are not understood by local communities any more than the boundaries were understood between the Chief Constable and the old Police Authorities. The concept of operational independence is not easy to define and has to be fluid and contextual. There is no evidence to suggest that there is a need for further clarification and guidance.

Question 8:

According to the Financial Management Code, Audit Committees should 'advise the PCC and the Chief Constable according to good governance principles and to adopt appropriate risk management arrangements.' How well is this working in practice? Are there any examples of conflicts of interests arising from PCCs and Chief Constables having in some cases, a joint audit

committee and/or a joint chief financial officer?

Comments

There is no evidence of a conflict of interest arising out of a joint audit committee and/or joint chief financial officers. PCPs can draw on expertise from within their own authorities to provide reassurance and HMIC also has a role to play in ensuring sound financial management.

Ethical Leadership

Consultation Questions

Question 9:

What do you see are the key responsibilities of PCCs as ethical leaders? Can you provide examples of PCCs managing those responsibilities well, or, if not, suggest what can be improved?

Comments

PCCs should have a key responsibility in ensuring the highest possible ethical standards within the Police Service. AS an example, The Independent Police Complaints Commission produced evidence that suggested that Staffordshire used tasers more often than other forces. The Commissioner tasked his Audit Committee to review the force's use of tasers. This showed that the force was conscientious in their recording of taser use and that the actual discharge rate was lower than that in other forces.

Question 10:

What actions are PCCs taking to ensure that they and the police force they hold to account maintain the highest ethical standards and embed the Policing Code of Ethics? In particular how are PCCs and Chief Constables as leaders promoting and sustaining the core values of policing in the face of all the other pressures on the force? How are any obstacles being overcome?

Comments

Both the Staffordshire Commissioner and Chief Constable have put transparency at the forefront of their agendas. This is understood by frontline officers and reinforced by a sound disciplinary regime. There is often greater scope for corruption and malpractice in large metropolitan forces. There has to be a mechanism in place to accommodate whistleblowing and to take a proactive approach to suspected corruption.

Question 11:

Is there sufficient transparency of propriety information from PCCs, for example published information on expenses, registers of interest, gifts and hospitality and external meetings?

Comments

In Staffordshire we are satisfied that there is sufficient transparency of propriety information from the PCC.

--

Question 12:
What measures have proved helpful in supporting PCCs to identify and resolve conflicts of interest in discharging their duties? Are there sufficiently robust protocols and guidance in place locally to manage these in a transparent way?

Comments

In Staffordshire we are not aware of any conflict of interest experienced by the PCC in the performance of his duties.
--

APPENDIX TO RESPONSE FROM STAFFORDSHIRE POLICE AND CRIME PANEL

Personal observations of Chairman of Staffordshire Police and Crime Panel – Mr Frank Chapman

I am writing as the Chairman of the Staffordshire Police & Crime Panel and as an ex senior police officer who has served in five UK Police Services and who has been a member of the former Police Authority.

Public scrutiny and accountability is highly dependent on the quality and ability of the scrutinizers. When this is left to the vagaries of our democratic system it is inevitable that inadequacies will occur. The same applies to Police & Crime Commissioners who have been elected by a small minority of the electorate. Under a Committee system there is at least some safety in numbers in that inadequate members can be replaced and the whole process is subject to party political discipline. It has been suggested that the old Police Authorities were largely invisible and ineffective in holding Chief Constables to account. Some Chief Constables did undoubtedly resist some uncomfortable scrutiny by seeking to preserve their perception of operational independence. In reality this was often proved to be a diversion when locally elected members have only been seeking to evaluate the effectiveness of local policing particularly in its role in preserving the Queens Peace. The present governance structure leans heavily on the relationship between two people, the Chief Constable and the Police & Crime Commissioner. The Chief Constable relies heavily on the

Commissioner for his employment and the latter on the Chief Constable for his re-election. Ethical risks in this arrangement can extend to other senior ranks within the Service where a Chief Constable is appointed internally and where promotions to Deputy Chief Constable and Assistant Chief Constable ensue. Police & Crime Panels have a limited power of veto over the appointment of the Chief Constable. There was value and safeguards in the requirement for the Chief Constable to have experience in a force other than their own. HMIC and the College of Policing should have a higher profile in these appointments balanced against democratic local accountability.

Police and Crime Commissioners often have a political label and rely on the support of their Party. This can be reinforced by the appointment of a deputy by the Commissioner in a process that is only subject to limited scrutiny by the Police and Crime Panel. Panels are made up primarily of elected councillors. There are ethical risks in this arrangement in that the Panel can have the same political affiliations as the Commissioner and his Deputy and as such are reluctant to provide criticism in the full glare of local publicity. This will certainly apply as Commissioners approach re-election in 2016.

Under Section 28(6) of the Police Reform & Social Responsibility Act 2011 '***A police and crime panel must – (a) review or scrutinise decisions made, or other action taken, by the relevant police and crime commissioner in connection with the discharge of the commissioner's functions.*** This is a catch all provision which often proves impracticable due to the limited resources available to the Panel and it is dependent on the Commissioner notifying the Panel of the decisions that he has made. In practice the Panel has to be selective in the areas of its scrutiny. The Panel also has a statutory responsibility to support the Commissioner. In summary the strength of the Panel lies through providing information and influencing the Commissioner in the decision making process. Webcasting of proceedings assists transparency and provides publicity.

Far too much emphasis has in the past been placed on crime statistics. They have undoubtedly had a role in providing some reassurance to the public but this has in recent years been discredited as figures have been manipulated. This has arisen through a misunderstanding of the role of an unarmed police service in a democratic society following the principles of policing by the people for the people. The primary role of the Police Service is to preserve the Queen's Peace. Too much emphasis has been placed on cutting crime which is ill defined and there are vast tranches of criminal activity that are not reported, recorded or investigated. Criminality has many facets and any suggestion that the police service can solely cut crime is absurd and unfair. It is precisely this sort of pressure that has led to the falsification and misrepresentation of statistics which successive governments have been content to accept in the pursuit of political objectives.

HELLO THE TROUBLE WITH ALL POLICE FORCES ARE UNDERFUNDING AND ALSO TO MANY JOBS THEY ARE TASKED TO DO BECAUSE OF DIS –ORGANISED IDIOTS IN GOVERNMENT. THIS INCLUDING THE 7000 OFFICERS THAT WERE KICKED OUT IN THE RECESSION AND NOW UP TO THERE NECKS IN VIOLENT CRIME FROM AROUND THE WORLD. AND ALSO THE STUPID CRIME COMMISSIONER THAT HAS NO IDEA WHICH IS WHY THEY WONT DO MANY JOBS NOW BECAUSE OF LOW MORALE IE [REDACTED]

BUT IF YOU WANT A NEW IDEA THAT WILL BRING MONEY IN AND TIGHTER SECURITY ALL IN ONE STRAIGHT DEAL. I HAVE ALREADY WORKED OUT A SYSTEM THAT FAR OUT WEIGHS ANYTHING FROM GOVERNMENT IDEAS.

ALSO THE GRAVESEND POLICE STATION SHOULD BE PUT IN THE HANDS OF THE METROPOLITAN POLICE FORCE TO LINK IN WITH BEXLEYHEATH BROMLEY AND LEWISHAM ALL IN A DIAMOND SYSTEM AND THEN PUSH ALL KENT POLICE OFFICERS FURTHER DOWN INTO LOWER KENT TOWNS UNDER A BRAND NEW TEAM OF COMMANDERS THAT HAVE 25 YEARS EXPERIENCE.

MY NEW PASSPORT IDEA WILL BRING IN A MINIMUM OF 500 MILLION POUNDS PER YEAR PLUS OTHER USEFUL PAYING IDEAS. THIS IS A MINIMUM OF 30 MILLION POUNDS PER MONTH SO THIS WILL BOOST THE POLICE FORCE TO NEW HEIGHTS AND ITS EASY TO SET UP.

Committee on Standards in Public Life

Local Policing – accountability, leadership and ethics

Response Form

Consultation Questions

The Committee has commenced an inquiry on the public accountability structures of the police. We are looking at the structures in place for ensuring ethical standards in the conduct and performance of Police and Crime Panels, Police and Crime Commissioners, and Chief Constables.

The Committee would like to hear your views. Please use this form to answer some or all of the questions in the Issues and Questions paper available at: https://whitehall-admin.production.alpha.gov.co.uk/government/uploads/system/uploads/attachment_data/file/360941/Police_Accountability_Structures_-_Issues_and_Questions_Paper.pdf

How to respond

Completed response forms should be sent by email to public@standards.gsi.gov.uk or by post to the Secretary to the Committee on Standards in Public Life GC05 1 Horse Guards Road, London SW1A 2HQ.

Name: Paul Banjo (Scrutiny Support Officer, Suffolk Police and Crime Panel)
Contact address: Suffolk County Council, Endeavour House, 8 Russell Road, Ipswich.
Postcode: IP1 2BX
Contact Telephone: 01473 265119
E-mail: paul.banjo@suffolk.gov.uk or councillor.services@suffolk.gov.uk

Freedom of Information

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes. The relevant legislation in this context is the Freedom of Information Act 2000 (FOIA) and the Data Protection Act 1998 (DPA).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals amongst other things, with obligations of confidence. In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Committee.

The Committee will process your personal data in accordance with the DPA and in most circumstances this will mean that your personal data will not be disclosed to third parties. However, it is important for the evidence considered by the Committee to be open and transparent. All responses will be published along with the identity of the person or organisation making the submission, unless the Committee is satisfied both that there is a compelling reason for an exemption to be granted and that the integrity of the process will not be undermined.

Please tick the appropriate response:

Are you responding: - *as a member of the public*
 - *as a member of the police*
 - *on behalf of another organisation*

<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>

If you are responding on behalf of an organisation, please tell us your area of work, e.g police constabulary, regulator, trade union, think tank etc

<p>Suffolk Police and Crime Panel – Scrutiny Support Officer. (NB. The information was collated in liaison with other officers, and shared with the Panel Chairman and Vice Chairman before submission)</p>

Local Policing – accountability, leadership and ethics

Current Accountability Structures

Consultation Questions

Question 1:

Are there any gaps in the existing mechanisms for holding PCCs to account?

Comments

Currently the only direct means of holding a PCC to account is via the ballot box, every four years, with no lower limit on voter turnout. PCCs are on salaries of around £100k per annum, and they directly control >£100m public budget, but without the equivalent of an operational ‘line manager’ overseeing performance. The public, the press and the Police and Crime Panels (PCP) and even the Home Secretary at best can only express opinions and seek to influence the PCC indirectly; the PCPs’ direct powers of veto are extremely limited in practice. In addition, organisations cannot compel the PCC to produce information, other than via Freedom of Information mechanisms. All in all, it would appear to be a fairly light governance framework around a single individual in direct control of local police and crime strategy and significant amounts of public budget.

Question 2:

What can PCCs do themselves to improve their accountability to the public in between elections? How well are these mechanisms working in practice?

Comments

PCCs, including the Suffolk PCC, hold public meetings and use the local press, local radio, the internet and social media to engage with the public. However the level of participation in these by the public would appear to be very low. Hence it is difficult to answer the question as to how well the ‘accountability to the public’ mechanisms are working in practice, in the absence of any recent surveys of the public or other evidence to gauge the public perception.

Question 3:

How are PCCs ensuring transparency in their decision making?

Comments

The degree of transparency in the PCC's decision making is mixed. The information about Decisions tends to be published only after the decision has been made, rather than during the process of consideration. Local authorities have to publish a forward plan of key decisions, including those to be made by officers, but there is no such requirement for PCCs. The Suffolk PCC tends to publish many decisions and papers as electronic scans of printed, signed documents, meaning that the content of the decision paper cannot be 'searched' eg. using Google. Numerous of the Suffolk PCC decisions are marked as confidential and hence cannot be viewed by the public at all; the reason is not always evident as to why each of those papers merits a confidential categorisation. Again, by comparison, local authorities are required to explain why decisions are categorised as 'Part II' non-public items.

Question 4:

What information is being made available to the public to enable them to scrutinise the performance of their local police force and hold PCCs to account? To what extent is it easily accessible, understandable and reliable?

Comments

See Q (3) above and Q (11) below.

Question 5:

What has worked best for PCCs in engaging with the public and local communities?

Comments

Unknown. There is no data readily available that gives an answer to this question. In any event the question is ambiguous in that it does not indicate the intended purpose of the 'engagement'; eg. engagement with the public could be with a view to understanding needs, informing people about plans, seeking feedback on personal performance / popularity, etc. What works best from a popularity perspective may or may not work best with regard to understanding overall needs and impacts on policing and crime in the area. For example in Suffolk, a very significant decision about whether or not to have a joint control room with Norfolk did not appear to have had any proactive public engagement at an early stage of the project; it was only when the public, via the local press, became aware of a specific

issue that interest was captured.

Question 6:

How well are Police and Crime Panels able to hold a PCC to account between elections?

Comments

See Q(1) above.

Question 6a:

Does the role of the Police and Crime Panel need any further clarification?

Comments

The PCP role does require further clarification. PCPs have extremely limited direct powers to hold a PCC to account. The PCPs' current 'power' is largely indirect, via influence, and as such can be very dependent on the inter-personal relationships of the individuals and PCC, rather than being more objectively focused on hard evidence and legislative powers. In addition there has been experience of the legislation being interpreted by the PCC's Office as the PCP only examining decisions that have been made, rather than pre-decision scrutiny which has been proven to be very effective within local authorities. [In fact, the legislation clearly states '*A police and crime panel must — (a) review or scrutinise decisions made, **or other action taken**, by the relevant police and crime commissioner in connection with the discharge of the commissioner's functions; and (b) make reports or recommendations to the relevant police and crime commissioner with respect to the discharge of the commissioner's functions*']

Question 6b:

How well are the current “balanced”¹ membership arrangements ensuring effective scrutiny and support of PCCs?

Comments

The requirement to represent all parts of the relevant police area is beneficial – it helps to mitigate against the risk of a very urban-centric, or specific geographical focus.

The requirement to represent the political make-up of the relevant local authorities could impact on ensuring effective scrutiny and support of PCCs. The PCP is a scrutiny committee and good scrutiny should operate apolitically (eg. ref. the [Centre for Public Scrutiny](#)). In some local authorities there are overt rules to ensure for example that the scrutiny committee is chaired by a person who is not affiliated to the same political group as the person(s) being scrutinised; however this does not necessarily make the scrutiny any better – the key requirement is that the chairman is apolitical. Applied to PCPs and PCCs such a policy might suggest that there could be an argument for the political affiliation of the PCC to be taken into account when determining the political make up of the PCP, however unless the legislation required the Chairman to be one of the independent members then the practicalities of appointing an opposition chairman as Chairman might be difficult to apply, particularly if one party had the vast majority of seats in a geographical area. Moreover, as recognised in the CSPL briefing paper, there is inherent tension in the PCPs acting as both accountability and support mechanisms for PCCs, and the best arrangements for one aspect of the dual role might not necessarily be best in relation to the other aspect.

The requirement to have a balance of skills, knowledge and experience necessary for the police and crime panel to discharge its functions effectively is beneficial.

¹ Schedule 6 paragraph 31 PRSRA sets out the duty to provide a balanced panel. The “balanced appointment objective” referred to in this paragraph is the objective that local authority members of a police and crime panel (when taken together)–

(a) represent all parts of the relevant police area;

(b) represent the political make-up of–

(i) the relevant local authority, or

(ii) the relevant local authorities (when taken together);

(c) have the skills, knowledge and experience necessary for the police and crime panel to discharge its functions effectively.

Question 6c:

Are the current membership thresholds requiring a two thirds majority to veto a PCC's level of precept and appointment of a Chief Constable proving practicable?

Comments

The two thirds threshold has not yet been an issue in practice in Suffolk. With regard to the precept, the PCP is aware that the power of veto is largely symbolic, in that the PCC can respond with a minimal variation (eg. just 1p) with no further veto possible by the PCP.

Question 6d:

Should Police and Crime Panels have the power to veto PCC appointments of senior staff where they believe the criteria for suitability were inappropriate or not satisfied?

Comments

Perhaps, however it is not clear how this would work in practice. In order to form a reasoned and evidence based opinion the PCP would require access to a significant amount of information about the applicant(s) for the job. The PCP is not an appointments panel and would not necessarily have the skills and resources to fulfil such a role. Moreover, such powers may conflict with employment law etc. If a candidate goes through a full and thorough recruitment process and is then vetoed by a PCP with limited information, would they have a claim? It could be reasonable however to expect the PCC to have an audited, robust and objective appointments process, and for the PCP to have (confidential) access to the necessary information during the recruitment process for PCC appointment of senior staff.

Question 6e:

How should PCCs be held to account for their standards of personal conduct? What role should Police and Crime Panels have in this?

Comments

This is ambiguous, and could open the door to subjective views based on the individual's personality and style, or a disaffected small minority of the electorate, rather than an evidence based assessment of performance in discharging the PCC role as set out in legislation. It would not be appropriate for the PCP as an entity to act as a surrogate 'line manager' for the PCC.

However, the PCP chairman might, in some cases, be able to play the part of an informal 'critical friend'. The PCP could play a part in helping the PCC to be aware of the impact of their conduct on affected people, eg. by inviting such people to be represented at a (public) PCP meeting.

Requiring the PCC to sign up to more robust Code of Conduct may help – currently PCCs have been required to declare an oath which includes '*I will act with integrity and diligence in my role ... I will take all steps within my power to ensure transparency of my decisions, so that I may be properly held to account by the public. I will not interfere with the operational independence of police officers*'. However, in reality, unless the criminal line is crossed, there is little that can be done, which is similar to local authority councillors under the new regime.

Question 7:

Are the boundaries between the local roles and responsibilities of the PCC and Chief Constable being adequately communicated and understood by local communities? Is there evidence that they require any further clarification or guidance?

Comments

In the absence of any reliable survey data, there is neither the strong evidence that people do, nor that they don't, understand the respective roles and responsibilities of PCC and CC.

However, some of the complaints received by the Suffolk OPCC would tend to suggest that there could be some lack of understanding of the PCC's remit in relation to operational policing matters, so further clarification and guidance would be good.

Question 8:

According to the Financial Management Code, Audit Committees should 'advise the PCC and the Chief Constable according to good governance principles and to adopt appropriate risk management arrangements.' How well is this working in practice? Are there any examples of conflicts of interests arising from PCCs and Chief Constables having in some cases, a joint audit

committee and/or a joint chief financial officer?

Comments

Concerns raised recently in Suffolk (eg. regarding the longer term financial strategy) have tended to have been raised directly by the external auditors rather than the audit committee. In Suffolk there are separate CFOs for OPCC and Constabulary, so the conflict of interest referred to in the question has not arisen. In Suffolk the Audit Committee is working well and benefits from having four experienced independent members.

Ethical Leadership

Consultation Questions

Question 9:

What do you see are the key responsibilities of PCCs as ethical leaders? Can you provide examples of PCCs managing those responsibilities well, or, if not, suggest what can be improved?

Comments

It is not possible to answer this without a clearer objective definition of what is meant by an 'ethical leader'. PCCs are required to operate within the law, and there is already a mechanism (IPCC) in place for dealing with any alleged criminal activity. An assessment of conformance with the 'Nolan Principles' could be very subjective.

Question 10:

What actions are PCCs taking to ensure that they and the police force they hold to account maintain the highest ethical standards and embed the Policing Code of Ethics? In particular how are PCCs and Chief Constables as leaders promoting and sustaining the core values of policing in the face of all the other pressures on the force? How are any obstacles being overcome?

Comments

The test should be the feedback from the public. In Suffolk the constabulary regularly surveys the public and reports on 'Public Confidence' perception of Quality of Service. This covers 'Police do a good job', 'Community Priorities', 'Fair treatment' and 'Overall Confidence'. If these regular QoS surveys asked also about the perception of the PCC, then there would be some evidence on which to assess whether or not PCCs are taking appropriate actions.

Question 11:

Is there sufficient transparency of propriety information from PCCs, for example published information on expenses, registers of interest, gifts and hospitality and external meetings?

Comments

[Grant Thornton / CoPaCC](#) have published some comparative information on this question across all of the PCCs.

There is a significant amount of relevant [specified information](#) on the Suffolk PCC website. However some of the information (eg. the register of gifts and hospitality) is stored as electronic scans of printed pages and as such cannot be searched electronically to look for particular items. In addition the implications of some of the current entries are unclear, for example: "*(d) Allowances and expenses paid to the PCC (Availability – quarterly, as soon as practicable after end of quarter to which it relates): No claims submitted to date*". Whilst it could be commendable that the PCC is not claiming expenses, the

absence of any published claims means that there is reduced information available about attendance at external meetings.

Question 12:

What measures have proved helpful in supporting PCCs to identify and resolve conflicts of interest in discharging their duties? Are there sufficiently robust protocols and guidance in place locally to manage these in a transparent way?

Comments

There is insufficient visibility of what conflicts of interest might have arisen. The example cited by CSPL, ie., “... *for example, by continuing to remain as local councillors in the force area for which they are responsible*”, does apply in the case of the Suffolk PCC, and there was early debate of this in the local press at the time of the PCC election, however we are not aware of any evidence that this scenario has been a problem.

Our ref: LO/SO/RH

Private and Confidential

Lord Paul Bew,
c/o The secretary to the Committee on Standards in Public Life
Room GC.05
1 Horse Guards Road
London
SW1A 2HQ



**SURREY
POLICE**
*With you, making
Surrey safer*

**Lynne Owens QPM MA
Chief Constable**

17th November 2014

Dear *Lord Bew,*

Local Policing- accountability, leadership and ethics.

Thank you for your letter dated 9th October 2014 offering me the opportunity to respond to your questions in support of the inquiry on the police accountability structures of the police.

The issues which you seek views on relate to the accountability of Police and Crime Commissioners (P.C.C.'s) and the related structures and processes that exist to provide this. It is important to preface the responses below with a note of caution; PCCs were introduced as a government initiative and their long term future is not guaranteed due to political differences between the major parties. The Police Service has a duty to impartially deliver policing and must strenuously avoid entering in to political debate. This has a bearing on some of the answers provided which strive to provide factual narrative and not stray into opinion.

- i) Are there any gaps in the existing mechanisms for holding PCCs to account?

The powers of Police and Crime Panels could be broader – there are no sanctions that the panel can bring to bear on the PCC which limits their impact.

- ii) What can PCCs do themselves to improve their accountability to the public in between elections? How well are these mechanisms working in practice?

There are a range of mechanisms currently in use within my force area, implemented by the PCC and designed to deliver accountability to the public. These include regular 'crime summits' and neighbourhood panel meetings, including the use of social media such as Facebook and Twitter. This activity is in

addition to the long standing engagement activity carried out by police officers primarily within neighbourhood policing and management roles. There are no doubt a number of alternative approaches across the country, and a gap analysis could identify how, and with what success, they are being used.

iii) How are PCCs ensuring transparency in their decision making?

Generally, transparency is demonstrated by making relevant documentation public, e.g. on websites, and by inviting the public to events where decision making is carried out. Whilst not a decision making forum, the regular meetings between the PCC and Chief Constable are webcast in real time. Ultimately, however, the PCC and his office decide what information should be made public. There are risks to this unilateral decision making, particularly in the spectre of imminent election.

iv) What information is being made available to the public to enable them to scrutinise the performance of their local police force and hold PCCs to account? To what extent is it easily accessible, understandable and reliable?

The force provides written updates for bi-monthly public meetings chaired by the PCC; the updates include performance against the Police and Crime Plan, and other issues of note; they are published online. The documents are based on reliable data and written in an easy-to-understand style. The meeting itself is webcast live, as mentioned at (iii) above. It is not entirely clear how the activity of the PCC, his Deputy, Assistants and office are scrutinised, or even if this was the intent of the original legislation.

v) What has worked best for PCCs in engaging with the public and local communities?

It is noted that a range of engagement methods are available, ranging from public meetings to online events. I am not in a position to comment on which areas have worked best for PCCs, but from a personal force-based perspective, the force carries out significant and varied engagement activity, which is consistent with the requirements of the Police and Crime Plan.

vi) How well are Police and Crime Panels able to hold a PCC to account between elections?

a) Does the role of the Police and Crime Panel need any further clarification?

As above, there is an argument that the Panels could have more powers.

b) How well are the current 'balanced' membership arrangements ensuring effective scrutiny and support of PCCs?

There are a number of factors which influence the effectiveness and activity of the Panels. Whilst there is an argument that PCCs of the same party as the

majority of the Panel may experience less scrutiny, it is unclear whether there has been any research on this. Panels should be set up in such a way that allows members to impartially and effectively hold the PCC to account, as is healthy within a democracy.

- c) Are the current membership thresholds requiring a two-thirds majority to veto a PCC's level of precept and appointment of a Chief Constable proving practicable?

This has not arisen as an issue from a personal perspective to allow for informed comment.

- d) Should Police and Crime Panels have the power to veto PCC appointments of senior staff where they believe the criteria for suitability were inappropriate or not satisfied?

The power of veto may be abused on occasions and block progress particularly if there are different political persuasions between the PCC and the panel. It is vital that all appointments be transparently and ethically made, via an objective process where routes for appeal exist as for any other job.

- e) How should PCCs be held to account for their standards of personal conduct? What role should Police and Crime Panels have in this?

There is a need to ensure that PCCs are held to account for their standards. This should be done using a competent person or body of people to investigate alleged breaches and impose suitable sanctions where required. This is a function that might be provided by a reformed Police and Crime Panel.

- vii) Are the boundaries between the local roles and responsibilities of the PCC and Chief Constable being adequately communicated and understood by local communities? Is there evidence that they require any further clarification or guidance?

On a national level there are differing positions as to where the boundary of operational independence lies, between the Chief Constable and the PCC. With this in mind, and taking into account the PCC title, it is likely that there may be some misunderstanding of the differences between PCCs and senior police officers, and the fact that the PCC is not a member of the police. This is not aided by the media, and others, referring to the PCC as the 'Police Chief' and there is little evidence that PCC's seek to correct this inaccuracy.

- viii) According to the Financial Management Code, Audit Committees should 'advise the PCC and the Chief Constable according to good governance principles and to adopt appropriate risk management arrangements.' How well is this working in practice? Are there any examples of conflicts of interest arising from PCCs and Chief

Constables having in some cases, a joint audit committee and/or a joint chief financial officer?

From a force-based perspective, the joint audit committee consists of independent members who are able to hold the force and OPCC suitably to account; we have two separate chief financial officers.

- ix) What do you see are the key responsibilities of PCCs as ethical leaders? Can you provide examples of PCCs managing those responsibilities well, or, if not, suggest what can be improved.

PCCs as public servants have a duty to adhere to the Nolan principles. The recently-introduced policing Code of Ethics provides clear guidance for police officers and staff and could very well extend to PCC's.

- x) What actions are PCCs taking to ensure that they and the police force they hold to account maintain the highest ethical standards and embed the Policing Code of Ethics? In particular, how are PCCs and Chief Constables as leaders promoting and sustaining the core values of policing in the face of all the other pressures on the force? How are any obstacles being overcome?

One of the strands of the local police and crime plan deals specifically with standards of professional behaviour and force performance in this area is evidenced via the reporting mechanisms described earlier. Activity within force includes the on-going work to embed the Code of Ethics. The Chief Officer team strive to lead by example, and have an open and honest approach, e.g. through the "Chief Constable's" blog, and there are various internal meetings and processes in place to monitor performance and activity.

- xi) Is there sufficient transparency of propriety information from PCCs, for example published information in expenses, registers of interest, gifts and hospitality and external meetings?

An external audit of this area covering all PCCs nationally would be able to identify whether levels are sufficient and consistent. The force ensures that such transparency is in place internally.

- xii) What measures have proved helpful in supporting PCCs to identify and resolve conflicts of interest in discharging their duties? Are there sufficiently robust protocols and guidance in place locally to manage these in a transparent way?

The force has an identified point of liaison with the OPCC for OPCC requests, and this is supported by protocols. PCCs are well-placed to answer about what measures they have found helpful in supporting them.

I hope that the above considered answers assist The Committee with the inquiry.

Thank you once more for writing to me. Should you require any further information or clarification please do not hesitate to contact me.

yours sincerely,

A handwritten signature in cursive script that reads "Lynne Owens". The signature is written in dark ink and is positioned centrally below the closing "yours sincerely,".

Lynne Owens
Chief Constable

Office of the Police and Crime Commissioner for Surrey

Dear Lord Bew,

I am writing to you on behalf of Kevin Hurley, Police and Crime Commissioner for Surrey, regarding the Committee on Standards in Public Life's inquiry into the public accountability structures of the police. Mr Hurley would like to make the following points:

The Police and Crime Commissioner model of police governance has been much maligned over the last two years, largely on the basis of the conduct of some of the personalities involved, rather than the system itself. Scrutiny by the Committee on Standards in Public Life is therefore very much to be welcomed and I am pleased to make a brief submission.

The office of PCC has brought with it a level of scrutiny and public accountability beyond any political post in this country outside of the Mayor of London. It is no surprise that ethical issues have come to light in this context. However, we should not be deterred by the downsides from making the most of the upsides.

Accountability:

PCCs are put in place and held to account by the electorate. If they fail to deliver, they will be removed from their post by the public. There is no better system of accountability for a public leader.

Let us not forget that this is in fact a more directly democratic arrangement than can be found in Westminster. Using the Home Secretary as an example, no-one voted for her to be the Home Secretary. She was elected only as Member of Parliament to represent the interests of her constituents in Parliament. She was chosen for the Home Secretary job without any transparency by the Prime Minister.

The big gap in accountability for PCCs (and MPs) – and a missed opportunity to put in place a powerful check against unethical behaviour - is the lack of a power of recall. The debacle in South Yorkshire, where the community had lost all confidence in their PCC but had no system by which to remove him underlines the importance of a recall arrangement if the public are to have full confidence in the electoral arrangements that serve them.

Certainly developing a power of recall would take careful consideration to make sure they are not invoked without genuine need. However, legislators should not let that be a deterrent from energetically pursuing the power of recall at the earliest opportunity.

Decisions and transparency:

I publish a log of all of my formal decisions, along with the decision papers explaining my rationale. Exceptions are only made when a decision has an overriding commercial or operational sensitivity which would result in publication working against the public interest.

Information:

There is a vast amount of information publicly available for people to make their minds up about the performance of the police. This is a welcome state of affairs.

That said, my 'on-the-ground' perspective is that the public make little meaningful use of this information. Each year I speak with tens of thousands of residents. It is rare in the extreme that I am asked about the crime or spending data I publish, which is readily available in great abundance and in modern, accessible ways. People are busy and their spare time is precious. For the most part, they simply do not have the time or the inclination to be the 'armchair auditor'. Asides from specific local concerns, what's in the headlines plays a big part in what people take interest in and ask me about.

For this reason I am very concerned about the impact on democracy of the decline of local journalism, as newspaper circulations fall and proprietors shrink newsrooms to cut costs. Local reporters have traditionally been the ones to do the leg-work on behalf of the public to pick out the key headlines and the interesting stories – including ones relating to the ethical discharge of public duties - from public bodies' data. That is their profession and that is the service they render to our community. Their numbers are falling. Together with the lack of direct public engagement with data, the gap this is creating is something we must be alive to.

Police and Crime Panels:

My experience in Surrey is that the Panel has become well established over the last two years and discharges its duties well. Its' membership reflects the local political balance.

It is right that their powers of veto remain where they stand – it would negate the whole concept of PCCs as a direct democratic link if their decisions could then be vetoed by a Panel of appointees.

We have seen from South Yorkshire that Panels can provide an important and highly visible forum for scrutiny of the ethical conduct of PCCs. It is right that they can be summoned and questioned in the public gaze.

I maintain that the best way to hold PCCs to account for their ethics and standards of behaviour is through giving the public a power of recall.

Boundaries:

I have paid close attention to the issue of boundaries between the role of PCC and Chief Constable. I make clear at every opportunity what my role is and is not. I'm pleased to report that we have seen little evidence to indicate that there is any widespread confusion on the differences.

PCCs as ethical leaders:

Anyone in a leading role in public life must accept that their ethics will be under scrutiny. They must embody the qualities they expect from others. Having served as a senior leader in the police and the military, I am a firm believer in a transformational style of leadership and the Sandhurst ethos of 'serve to lead'.

In my Police and Crime Plan, I pledge to stand up for the police against unfair criticism, but also insist that they embody the highest standards of conduct.

During my career I have blown the whistle several times - on racism, institutional failings and human rights abuses, such as my testimony to the Chilcot Inquiry. I have been directly threatened by leaders to remain silent. I know what a gruelling ordeal doing the right thing can be.

I have tried my best as PCC to encourage ethical behaviour and also to use my position to protect the systems by which unethical behaviour can be brought to light. For example, I have spoken out variously against the chilling effect of the Leveson Inquiry and the associated police investigations against whistleblowing in public service; and the recent revelations on the use of RIPA powers by police to trace journalist sources.

I would like to see PCCs playing a greater role in standing up for these key issues. We must not content ourselves that our own arrangements will always bring wrongdoing to attention. We must ensure that a strong, free press and a culture of robust scrutiny is allowed to thrive.

Thank you,
Sam
Sam Meyer
Policy Officer
Office of the Police and Crime Commissioner for Surrey
PO Box 412
Guildford
Surrey
GU3 1BR

Room GC/05
1 Horse Guards Road
London
SW1A 2HQ

Dear Lord Bew

Local Policing – accountability, leadership and ethics

Thank you for your letter of 9 October, in which you invited Chief Constables to respond to a series of questions examining the role of Police and Crime Commissioners and their relationship with Chief Constables and Police and Crime Panels.

For ease, I have submitted my response under each of the questions posed.

i. Are there any gaps in the existing mechanisms for holding PCCs to account?

Given the unique nature of the role, this was a subject discussed at length during the passage of the Police Reform and Social Responsibility Bill through parliament and has been revisited on several subsequent occasions.

The intention - to address what was described as a lack of democratic accountability in policing by giving the public a greater say over the policing of their local area – has, notwithstanding the low turnouts seen in November 2012, largely been met.

I am conscious of the comments made by the Home Secretary to the Home Affairs Committee on 18 December 2012, when asked whether she held information about PCCs with second jobs, responded that "I do not have somebody who puts that sort of information in front of me because that is information that I believe is for the electorate to make a decision on".

Whether additional safeguards, perhaps in the form of a more substantial 'Recall' mechanism, are required beyond the existing electoral process should be a matter for parliament to debate.

***ii. What can PCCs do themselves to improve their accountability to the public in between elections?
How well are these mechanisms working in practice?***

In general terms, I believe the need to afford PCCs the time and space to develop approaches to engage with, and listen to the needs and concerns of, the public was entirely right – this was without question an entirely new approach for Policing in England & Wales and was sympathetic to the local nature of our policing model. Considerable time and effort has been expended in reviewing the performance of the role over the past two year and the lessons have already been well articulated.

In terms of how well they are working in practice, I will limit my comments to the work and approach taken by Katy Bourne, the Sussex Police & Crime Commissioner. I have found her singularly determined to regularly engage with, and understand, the views of a range of different groups and communities – whether the West Sussex Countryside Alliance Committee or shoppers in the High Street. Most recently, the Commissioner

has received the views of young people across Sussex through her Youth Commission, empowering them to report their findings and recommendations to me to take forward.

iii. How are PCCs ensuring transparency in their decision making?

The Sussex Police & Crime Commissioner has a published decision-making framework, detailing the arrangements to enable the Commissioner to make robust, well-informed and transparent decisions and hold me to account. The framework includes arrangements for providing information to assist the Police and Crime Panel in its role to scrutinise the decisions and actions of the Commissioner. It applies to decision-making by the Commissioner and those exercising delegated authority on behalf of the Commissioner.

It also sets out what constitutes a decision, the information and support to be provided in advance of a decision being taken and the process of record keeping and publication.

The framework is one of a range of financial and governance documents that can be found here:

<http://www.sussex-pcc.gov.uk/the-pcc/transparency/>

iv. What information is being made available to the public to enable them to scrutinise their performance of their local police force and hold PCCs to account? To what extent is it easily accessible, understandable and reliable?

It could be argued that the extent of information available is more comprehensive than ever before. We have vigorously pursued a transparency agenda for a number of years, with the aim of publishing as much information as openly as possible, whether financial or in our dealings with the public and consistent with the requirements of the law - including legitimate rights to personal privacy. In addition, the Force makes information available in accordance with the Freedom of Information Act 2000 and the Data Protection Act 1998.

There are a range of other sources, including:

Available through the Sussex Police & Crime Commissioner's website are annual reports and half-yearly monitoring reports, reports from Internal and External Auditors, the Sussex Police and Office of the Sussex Police and Crime Commissioner Annual Governance Statements along with papers and minutes of a range of meetings that occur.

Police.uk publishes comprehensive crime maps allowing anyone to use the information shown as well as the website's tools to see how the police where you live are performing and how they compare to similar forces or areas

Her Majesty's Inspectorate of Constabulary; which independently assesses police forces and policing activity. The Inspectorate aims to publish the answers in accessible form, using their expertise to interpret the evidence. It provides authoritative information to allow the public to compare the performance of their force against others. This includes the Police Effectiveness, Efficiency and Legitimacy (PEEL) assessments, published for the first time in November 2014. The Inspectorate also publishes a host of inspection reports annually along with their Crime and Policing

Comparator allowing comparison data on recorded crime and anti-social behaviour (ASB), quality of service, finances and workforce numbers for all police forces in England and Wales.

The Independent Police Complaints Commission (IPCC) each year publishes statistics on complaints recorded by police forces in England and Wales.

v. What has worked best for PCCs in engaging with the public and local communities?

What works best, in my view, is a range of approaches targeting different groups. The Sussex Police and Crime Commissioner has actively pursued a range of approaches; whether being active on social media, regular blogs and a weekly newsletter, frequent media engagements, public meetings, meetings with businesses and groups, regular meetings with elected representatives and street meetings.

The Commissioner also meets regularly with my officers and staff, attending early morning briefings and meeting with representatives of the Police Federation and Unison – these are, of course, members of the public too.

The Commissioner's diary is published here: <http://www.sussex-pcc.gov.uk/meetings-events/>

vi. How well are Police and Crime Panels able to hold a PCC to account between elections?

In Sussex, the Police and Crime Panel meets regularly – scheduled to meet 5 times in 2015 – and has sufficient time to undertake its core functions, including:

- reviewing the draft Police and Crime Plan;
- reviewing the Commissioner's annual report at a public meeting;
- dealing with complaints about the Commissioner;
- requiring the Commissioner to attend the Panel to answer questions;

The meetings also include a section where members of the public can submit written questions (directed either to the Police and Crime Commissioner, or the Police and Crime Panel itself) up to 2 weeks in advance.

a. Does the role of the Police and Crime Panel need any further clarification?

I believe the role, as it currently stands, is clear. Prior to the enactment of the Police Reform and Social Responsibility Act 2011 there was some debate nationally that Panels might develop into a quasi-police authority. I do not believe those fears have been borne out.

In Sussex there seems to be a useful balance between support and scrutiny. A good example of the support offered by the Panel would be the formation of a sub-group to work with the Office of the Police and Crime Commissioner on the development of the 2014 Police and Crime Plan.

b. How well are the current 'balanced' membership arrangements ensuring effective scrutiny and support of PCCs?

The 20-member Police and Crime Panel covering the Sussex Police Area comprises four members drawn from the two county councils (East and West Sussex), 12 members from the respective district and borough councils, two members drawn from the unitary Brighton & Hove City Council and two independent members.

Of those elected members, 12 are Conservative, 2 Liberal Democrat, 2 Labour, 1 Green and 1 from the UK Independence Party.

The question of the makeup of the Police and Crime Panel has been reviewed and discussed by the Panel itself. At their meeting of 27 June 2014, the Panel agreed to renew the appointment of the two independent co-opted members for a period of one year, a review of proportionality and the requirement for a 20-member Panel, including two additional local authority members from the County Councils for a period of a year; these being an additional member from West Sussex County Council drawn from the UKIP Group and an additional member from East Sussex County Council from the Liberal Democrat Group.

Whilst I believe the role of independent members to be an important element of the Panel, from my attendance and observations I consider the scrutiny provided by the Panel reflects the members' commitment, desire to represent their constituents and ensure effectiveness and efficiency.

c. Are the current membership thresholds requiring a two thirds majority to veto a PCC's level of precept and appointment of a Chief Constable proving practicable?

I would argue yes. The Police and Crime Panel have, over the past year, discussed both a proposed increase in the precept and have considered a report by the Police and Crime Commissioner concerning the proposed appointment of the Chief Constable of Sussex Police.

The Commissioner's proposal to increase the precept, supported by the majority of respondents to a public consultation held by the Commissioner, was debated vigorously by the Police and Crime Panel with the two thirds majority rule providing useful in reaching their decision.

The Panel, in June, held a confirmation hearing for Chief Constable. This involved asking questions relating to professional competence and personal independence, based on background information provided in advance, and requesting details on how the candidate would meet the requirements in the role profile.

d. Should Police and Crime Panels have the power to veto PCC appointments of senior staff where they believed the criteria for suitability were inappropriate or not satisfied?

I believe it is right that the panel should establish, through a confirmation hearing, the professional competence and personal independence of the staff the Police and Crime Commissioner must

appoint; chief executive and chief finance officer. These roles, along with the role of Deputy PCC are the only ones covered within the Police Reform and Social Responsibility Act 2011.

There is an expectation that Police and Crime Commissioners will conduct transparent and open procedures, as has been evidenced by our Commissioner in her recent appointments of Chief Constable and Chief Finance Officer. Providing there is transparency in the process the current situation should remain.

Clearly, changes to the role of Police and Crime Panel from a scrutiny function to more of an executive function are possible, perhaps inevitable given the evidence gathered over the two years since the election, but would seem to move away from the original intent, and may be perceived by the public as yet another layer of bureaucracy.

e. How should PCCs be held to account for their standards of personal conduct? What role should Police and Crime Panels have in this?

The Policing Protocol already states that all parties will abide by the seven Nolan principles set out by your committee.

The Police and Crime Panel currently fulfils functions in relation to complaints about the Commissioner on conduct matters, in accordance with the responsibilities accorded to it by the Police Reform and Social Responsibility Act 2011.

In the event of the Panel receiving a complaint about the conduct of the Commissioner, or of a conduct issue otherwise coming to the attention of the Panel, the initial handling is delegated to the Proper Officer of the Host Authority (West Sussex County Council). The Proper Officer shall determine whether or not the complaint falls within the remit of the Panel, and whether it is deemed to be serious, under the Police Reform and Social Responsibility Act 2011.

Where a complaint falls within the remit of the Panel, but is judged to be non-serious, the Panel will establish a working group to consider the need for, and to undertake, informal resolution of the complaint. The working group, having a quorum of 3, will have up to 5 members. The membership will be rotated and the working group will strive to include 1 minority party member and 1 independent member.

The Panel shall receive a schedule of complaints at each quarterly meeting.

The Sussex Police & Crime Commissioner has a published Code of Conduct applies to the Commissioner when acting in that role. It does not apply when the SPCC is acting in a purely private capacity.

The Code of Conduct can be viewed here: <http://www.sussex-pcc.gov.uk/wp-content/uploads/2013/10/Code-of-Conduct-website-ver-2.pdf>

vii. Are the boundaries between the local roles and responsibilities of the PCC and Chief Constable being adequately communicated and understood by local communities? Is there evidence that they require further clarification or guidance?

Over the past two years it is clear that there remains confusion over the roles. Frequently the 'and Crime' element is missed by the media and the extent to which the public understand how Police & Crime Commissioners work across the whole criminal justice system and beyond. For example, their role in commissioning services and working with other commissioning bodies such as Clinical Commissioning Groups is not widely understood.

At a time where the prospect of police force mergers are becoming real, policing becoming more regionalised and national agencies having a far greater role than even three years ago, and where plans are being drawn up to introduce a directly elected mayor for Manchester, which would see the post of police and crime commissioner for Greater Manchester police scrapped, I would argue it is pertinent to consider the need for further work.

viii. According to the Financial management Code, Audit Committees should 'advise the PCC and the Chief Constable according to good governance principles and to adopt appropriate risk management arrangements.' How well is this working in practice? Are there any examples of conflicts of interest arising from PCCs and Chief Constables having in some cases, a joint audit committee and/or a joint chief financial officer?

I am not in a position to comment on the benefits or otherwise of having a joint chief financial officer as the Sussex Police & Crime Commissioner employs a separate Chief Finance Officer within her office.

Sussex Police and the Sussex Police & Crime Commissioner are advised by a single, joint, audit committee. Whilst it is fair to say there have been some teething problems, primarily concerned with the scope of their remit, but to date, there have been no conflicts of interest.



Giles York

Chief Constable



Sussex Police & Crime Commissioner

Committee on Standards in Public Life – Inquiry into Police Accountability

Further to the Committee on Standards in Public Life, "*Inquiry into Police Accountability*", Katy Bourne, Sussex Police & Crime Commissioner, welcomes the opportunity to comment on the paper and has provided answers to the following questions:

i. Are there any gaps in the existing mechanisms for holding PCCs to account?

The Commissioner acknowledges that it is important for both members of the public and the Police & Crime Panel to understand the mechanisms that exist for holding PCCs to account. This includes knowledge that PCCs are 'held to account' by the public at the ballot box, with Police & Crime Panels 'scrutinising the decisions' of PCCs between elections.

Mrs Bourne is supportive of the Police & Crime Panel having the power to discipline a PCC using a graduated process similar to an employer i.e. verbal warning, written warning etc. At the final stage of this process, the public should be able to recall their PCC. The Police & Crime Panel should also have the ability, with certain mechanisms in place, to accelerate and/or escalate this power to the Home Secretary for a recall decision to be made in exceptional circumstances.

ii. What can PCCs do themselves to improve their accountability to the public in between elections? How well are these mechanisms working in practice?

The Commissioner has a number of public engagement programmes which are working well in practice across Sussex to improve accountability to the public in-between elections.

#Talk Sussex - provides residents with an opportunity to inform local policing and budget decisions and to discuss any issues or concerns directly with the Commissioner. The extensive use of social media with this hashtag on Twitter allows for full inclusivity in all conversations even if a member of the public cannot physically attend an event. The Office of the Police & Crime Commissioner (OPCC) Twitter account is @sussexpcc and the Commissioner's own Twitter account is @katybourne. They have a combined following of approximately 7,000 and growing.

Facebook Chat – The Commissioner holds live chats with the public online via Facebook. This provides real time feedback.

Youth Commission - The Commissioner has also established a Youth Commission as part of a pilot programme which was also run by two other PCC's in conjunction with the SHM Foundation. This programme provides young people, including those who are not old enough to vote, with a voice on the issues affecting them. The Youth Commission in Sussex has 28 members (aged 14-25yrs) from very diverse backgrounds, who have recorded over 2,000 individual conversations with young people around five priority areas of their own choosing. Their findings and recommendations are set out in a report available on the Commissioner's website: www.sussex-pcc.gov.uk and have been welcomed by the Chief Constable who has appointed a senior officer to implement them. These include the innovative creation of a Youth Independent Advisory Group.

Community Conversations - are public meetings that give residents a chance to discuss topical issues and pose questions directly to the PCC, Chief Constable and local Divisional Commander. They are chaired by the local news editor and readers of the local newspaper are encouraged to contribute questions beforehand and feedback after the event.

PCC TV - A series of short films tracking Mrs Bourne's progress in office and highlighting key local initiatives are also available to view on the Commissioner's "PCC TV" channel and on the OPCC website.

Monthly Vlog - The Commissioner also films a regular video blog with a local newspaper group that is syndicated across its county-wide network of online news sites attracting, on average, 4,000 views every month.

Email Newsletter - In addition, over 3,000 residents subscribe to Mrs Bourne's weekly email newsletter to keep up to date with the latest news of her activities.

Online Polls - visitors to the OPCC website have the opportunity to contribute to regular polls and give their feedback.

iii. How are PCCs ensuring transparency in their decision making?

The Commissioner has pledged to uphold and develop the highest standards of transparency and openness in the way that decisions are made and public money is spent.

All Mrs Bourne's decisions are published on the "PCC Decisions" page of the OPCC website. These decisions are also referenced in the Commissioner's Annual Report and Half-Year Monitoring Report.

A recently completed internal audit has also confirmed that the OPCC is fully compliant with regulations identifying statutory published data, including the Elected Local Policing Bodies (Specified Information) Order 2011. This reaffirms the Commissioner's commitment towards transparency.

iv. What information is being made available to the public to enable them to scrutinise the performance of their local police force and hold PCCs to account? To what extent is it easily accessible, understandable and reliable?

Mrs Bourne has established monthly Performance & Accountability Meetings (PAMs) with the Chief Constable. These PAMs are webcast live and have already attracted over 8,000 views. The content of the meetings is live Tweeted by the OPCC and Sussex Police using the hashtag #SusPolScrutiny. It is also worth noting that this effective form of scrutiny has been recognised as best practice nationally by the Home Secretary, Theresa May MP.

In addition, performance against the measures in the Police & Crime Plan, together with monthly performance reports from Sussex Police (published on OPCC website) plus direct links from the OPCC website to Police.uk ensure that the public are able to scrutinise the performance of their local police force and hold the PCC to account.

It is also worth emphasising that this information is easily accessible, understandable and reliable and is regularly reviewed by the OPCC taking into account feedback received from members of the public.

The new HMIC PEEL website will also give the public greater access to Inspectorate Reports and allow comparison between police force areas.

v. What has worked best for PCCs in engaging with the public and local communities?

Mrs Bourne has engaged successfully with the public and local communities through a number of different mediums, both online and offline. This can be summarised as follows:

Online Engagement

Online engagement through the OPCC website is the primary online portal for information about the work of the PCC, with +4,000 unique visitors every month. This is strengthened by the publication of the latest news from the OPCC through social media accounts on Twitter and Facebook. The Commissioner also has a personal Twitter account and both the OPCC and the Commissioner actively engage with members of the public through these channels, with a combined following of +7,000.

Visitors can also subscribe to receive a weekly email newsletter from the Commissioner to keep up to date with the PCC's recent and upcoming meetings and events, campaign launches and key initiative (see answer ii. above).

In addition, all meetings and events that are attended by the Commissioner and staff at the OPCC are published on the "Meetings and Events" page of the website (see answer xi. below).

Members of the public are also encouraged to share their views and experiences of policing and crime through a number of online feedback mechanisms. This includes "Your Voice Counts", online polls and surveys (and their published results) and public consultations. The establishment of PAMs to hold the Chief Constable to account (see answer iv. above), a public "Question & Answer (Q&A)" event and a live web chat with followers on Facebook are another three examples of online broadcasting.

Offline Engagement

Feedback from the public is encouraged in writing, on the telephone and by email and the OPCC has recorded a marked increase in correspondence to the Commissioner, compared to the previous Police Authority.

A proactive media relations programme is managed by the OPCCs Communications & Engagement Team. This includes a regular flow of news releases to the local and national media and these are also published in the online media centre.

The Commissioner also writes a monthly column for a local newspaper and films a video blog with a local newspaper group (see answer ii. above). The PCC also regularly contributes to editorial features (profiles, reader Q&As, interviews and commentary) in print and on broadcast media, both on a local and national stage.

Face to Face Engagement

Mrs Bourne recognises that face to face engagement with members of the public is essential to ensure that the Police & Crime Plan continues to accurately represent local priorities.

The aims of the Commissioner's ongoing programme of public events are as follows:

- To strengthen and build effective relationships with local communities;
- Provide an opportunity to consult with members of the public on policing matters;
- Capture community concerns to inform the Commissioner's Police & Crime Plan and;
- Promote the role and work of the Commissioner and the OPCC.

The following event programme is independently managed and staffed by the Commissioner and OPCC officers:

“Meet Your PCC”

These informal “meet and greet” events see the Commissioner attending high footfall locations (from town centres and busy high streets to supermarkets and seasonal public events) throughout Sussex to meet local residents. They provide members of the public with an opportunity to raise any local concerns with the Commissioner, as well as increasing public understanding about the Commissioner’s roles and responsibilities (see answer vii. below).

“TalkSussex”

Incorporating a series of engaging “hands-on” activities organised by the OPCC in consultation with Revolutionary Arts (<http://revolutionaryarts.wordpress.com/>) the TalkSussex (#TalkSussex) programme of events provides a platform to consult with residents in an interactive environment, in order to inform the Commissioner’s Police & Crime Plan.

“Meet the Chiefs”

These events provide a chance for members of the public to meet the PCC and Chief Constable of Sussex Police, discuss local and topical policing and crime matters and pose questions. Meetings are held at a county level throughout the year.

In addition, the Commissioner regularly attends either an early (7am) or a late turn (4pm) briefing with Sussex Police officers and, where it is relevant or appropriate, will join officers out on police operations.

The Commissioner regularly accepts invitations to attend and speak at meetings of local community groups, volunteer organisations, and Parish Councils as part of her ongoing engagement and consultation with stakeholders and members of the public. A full diary of events is published online (see answer xi. below).

vi. How well are Police and Crime Panels able to hold a PCC to account between elections?

Firstly, it is important to understand that the role of the Police & Crime Panel is to scrutinise the decisions of the PCC. The PCC is ultimately held to account by the public via the ballot box as per the Act.

Mrs Bourne believes that the Police & Crime Panel in Sussex is working extremely effectively. A professional relationship between the PCC and the Panel exists and is challenging, intrusive and supportive, in their role as a critical friend.

The Commissioner fully recognises the value of seeking independent consideration and has invited the Panel to establish working groups to: scrutinise the Police & Crime Plan; scrutinise the budget; and to comment and advise on the process of commissioning victims’ services. This independent oversight is fundamental in terms of educating the Panel to understand the role and therefore to be able to scrutinise the Commissioner’s decisions more effectively, ensuring that they are made in the best interests of the public.

a. Does the role of the Police and Crime Panel need any further clarification?

Mrs Bourne acknowledges that further clarification around the role and responsibilities of the Police & Crime Panel is required to ensure that these are sufficiently understood by local communities. Mrs Bourne also feels that the Panel should be 'professionalised' by having a full-time secretariat function to support members. This secretariat could be shared by the other four Panels in the South East Region (see answer b. below).

The role and responsibilities of the Panel are clearly set out in the Police & Crime Plan and on the OPCC website but evidence exists to suggest that additional clarification and guidance would be helpful (see answer vii below).

b. How well are the current "balanced" 43 membership arrangements ensuring effective scrutiny and support of PCCs?

Mrs Bourne believes that it is essential that Police & Crime Panels are professionalised and resourced efficiently to better deliver effective scrutiny and support of PCCs.

The Commissioner recognises that Panels need professional, full-time, secretariat support to ensure that members are provided with appropriate levels of training to enable them to operate effectively in accordance with the legislation.

This is currently one area, in particular, that is not taken seriously by the Panel members themselves or by members of the public, who already have a lack of confidence in Panel members' ability to act which in turn is wrongly translated as the Panel not having sufficient powers.

Mrs Bourne would also welcome the regionalisation of this secretariat support. For example, in the south east region, the Panels in Sussex, Surrey, Hampshire, Kent and Thames Valley could all have one, professionalised and full-time secretariat support to coordinate activities in a consistent manner. The Commissioner recognises that adopting this approach would positively contribute towards improving public trust and confidence in the system and may be a more cost effective way of conducting Panel business.

c. Are the current membership thresholds requiring a two thirds majority to veto a PCC's level of precept and appointment of a Chief Constable proving practicable?

The Commissioner acknowledges that the current Police & Crime Panel thresholds requiring a two thirds majority to veto a PCC's level of precept and appointment of a Chief Constable are proving practicable so far.

d. Should Police and Crime Panels have the power to veto PCC appointments of senior staff where they believe the criteria for suitability were inappropriate or not satisfied?

Mrs Bourne does not think that Police & Crime Panels should have the power to veto PCC appointments of senior staff where they believe the criteria for suitability is inappropriate or not satisfied.

The Commissioner re-emphasises that the power of the Panel lies in the effective scrutiny of the PCC decision-making process (see answer b. above).

e. How should PCCs be held to account for their standards of personal conduct? What role should Police and Crime Panels have in this?

The Commissioner acknowledges that PCCs should be held to account for their standards of personal conduct and would welcome the introduction of stages of disciplinary procedures for PCCs as another ground for termination.

This already exists within employment law and could include verbal and written warnings, before a motion of "no confidence" is passed which would trigger a petition of voters in that police force area to decide whether or not an election should be called.

This process could be coordinated and owned by the Police & Crime Panel and the final decision should rest with the Panel and not the local authority. It is also important to take into account the obvious concerns identified regarding the mechanisms that would be required to guard against the risk of potential fraud.

vii. Are the boundaries between the local roles and responsibilities of the PCC and Chief Constable being adequately communicated and understood by local communities? Is there evidence that they require any further clarification or guidance?

The boundaries between the roles and responsibilities of the PCC and Chief Constable are clearly communicated by the Commissioner, OPCC and separately in the Commissioner's Police & Crime Plan. However, the Commissioner would question whether these are entirely understood by local communities.

In particular, it is worth emphasising that the telephone calls, letters and emails received by the OPCC provide evidence to suggest that these roles and responsibilities require further clarification and guidance nationally. This is particularly noticeable in terms of correspondence and complaints received by the OPCC in relation to operational policy and procedure.

viii. According to the Financial Management Code, Audit Committees should 'advise the PCC and the Chief Constable according to good governance principles and to adopt appropriate risk management arrangements.' How well is this working in practice? Are there any examples of conflicts of interests arising from PCCs and Chief Constables having in some cases, a joint audit committee and/or a joint chief financial officer?

The Commissioner is unaware of any conflict of interests that have arisen from having a Joint Audit Committee (JAC).

The JAC in Sussex support both the PCC and the Chief Constable in their responsibilities for issues of risk, control and governance by reviewing the effectiveness, reliability and integrity of the assurances received, through a structured programme of meetings. Effective cooperation between both bodies has ensured that the JAC is in a strong position to deliver against its remit and responsibilities.

ix. What do you see are the key responsibilities of PCCs as ethical leaders? Can you provide examples of PCCs managing those responsibilities well, or, if not, suggest what can be improved?

The Commissioner adheres to a Code of Conduct which promotes high standards of behaviour in the public sphere through the Seven Principles of Public Life enunciated by the Nolan Committee. This is available on the OPCC website.

It is also worth emphasising that Mrs Bourne does not claim any expenses or allowances in her role as PCC. This is a significant statement of principled leadership.

x. What actions are PCCs taking to ensure that they and the police force they hold to account maintain the highest ethical standards and embed the Policing Code of Ethics? In particular how are PCCs and Chief Constables as leaders promoting and sustaining the core values of policing in the face of all the other pressures on the force? How are any obstacles being overcome?

Embedding the College of Policing's national Code of Ethics is something that Mrs Bourne has challenged the Chief Constable on during her monthly PAMs, including seeking assurances that sufficient plans are in place to embed the Code of Ethics into day-to-day policing in Sussex.

xi. Is there sufficient transparency of propriety information from PCCs, for example published information on expenses, registers of interest, gifts and hospitality and external meetings?

Mrs Bourne publishes her salary, gifts and hospitality and register of interests on the OPCC website and is confident that this provides sufficient transparency of propriety information. Her expenses and allowances are not published as she does not claim any.

All meetings and events that are attended by the Commissioner and the staff at the OPCC are published on the Meetings and Events page of the website. It is worth emphasising that it is possible to filter a search to view all meetings and events attended by the Commissioner and OPCC staff since the role and office was first established in November 2012.

xii. What measures have proved helpful in supporting PCCs to identify and resolve conflicts of interest in discharging their duties? Are there sufficiently robust protocols and guidance in place locally to manage these in a transparent way?

Mrs Bourne does not recall any conflict of interests whilst discharging her duties thus far.

Mrs Bourne would be happy to discuss any of the above points raised and would welcome being updated with any progress.

Katy Bourne
Sussex Police & Crime Commissioner

Committee on Standards in Public Life

Local Policing – accountability, leadership and ethics

Response Form

Consultation Questions

The Committee has commenced an inquiry on the public accountability structures of the police. We are looking at the structures in place for ensuring ethical standards in the conduct and performance of Police and Crime Panels, Police and Crime Commissioners, and Chief Constables.

The Committee would like to hear your views. Please use this form to answer some or all of the questions in the Issues and Questions paper available at: [https://whitehall-admin.production.alpha.gov.co.uk/government/uploads/system/uploads/attachment_data/file/360941/Police_Accountability_Structures - Issues and Questions Paper.pdf](https://whitehall-admin.production.alpha.gov.co.uk/government/uploads/system/uploads/attachment_data/file/360941/Police_Accountability_Structures_-_Issues_and_Questions_Paper.pdf)

How to respond

Completed response forms should be sent by email to public@standards.gsi.gov.uk or by post to the Secretary to the Committee on Standards in Public Life GC05 1 Horse Guards Road, London SW1A 2HQ.

Name: Timothy Cook

Contact address:

[REDACTED]

Contact Telephone:

E-mail:

[REDACTED]

Freedom of Information

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes. The relevant legislation in this context is the Freedom of Information Act 2000 (FOIA) and the Data Protection Act 1998 (DPA).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals amongst other things, with obligations of confidence. In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Committee.

The Committee will process your personal data in accordance with the DPA and in most circumstances this will mean that your personal data will not be disclosed to third parties. However, it is important for the evidence considered by the Committee to be open and transparent. All responses will be published along with the identity of the person or organisation making the submission, unless the Committee is satisfied both that there is a compelling reason for an exemption to be granted and that the integrity of the process will not be undermined.

Please tick the appropriate response:

- ✓ **Are you responding:** - *as a member of the public*
- *as a member of the police*
- *on behalf of another organisation*

<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

If you are responding on behalf of an organisation, please tell us your area of work, e.g. police constabulary, regulator, trade union, think tank etc

Local Policing – accountability, leadership and ethics

Current Accountability Structures

Consultation Questions

Question 1:

Are there any gaps in the existing mechanisms for holding PCCs to account?

Comments

Victim and offenders access and representation should be more frequent.

Question 2:

What can PCCs do themselves to improve their accountability to the public in between elections? How well are these mechanisms working in practice?

Comments

Resign stopping being a political gofer.

Question 3:

How are PCCs ensuring transparency in their decision making?

Comments

They can't as they are politically motivated, which the general public does not want. It putting a middle-layer under-secretary in charge of a chief constable, which is a waste of public resources.

Question 4:

What information is being made available to the public to enable them to scrutinise the performance of their local police force and hold PCCs to account? To what extent is it easily accessible, understandable and reliable?

Comments

None, other through the Council Tax review annually, which is a polished review in their own favour so not biased.

Question 5:

What has worked best for PCCs in engaging with the public and local communities?

Comments

Nothing voting apathy shows this,

A sample request should be made of a survey to give feedback of their time in a police location then submitted to the PCC. So standards and people's general impressions can be monitored on their time being dealt with constabulary.

Question 6:

How well are Police and Crime Panels able to hold a PCC to account between elections?

Comments

General public are not aware of relationship.

Question 6a:

Does the role of the Police and Crime Panel need any further clarification?

Comments

Yes. But it just begs the question get the rid of PCC and have them in place instead, like before.

Question 6b:

How well are the current “balanced”¹ membership arrangements ensuring effective scrutiny and support of PCCs?

Comments

They are not, as their political nepotism or possibility involved. They should be made of group of interested parties.

For example three main voted parties, victim support, voluntary organisations to do with crime, prisoners, and other legal organisations that will see all sides of the picture.

Question 6c:

Are the current membership thresholds requiring a two thirds majority to veto a PCC’s level of precept?

¹ Schedule 6 paragraph 31 PRSRA sets out the duty to provide a balanced panel. The “balanced appointment objective” referred to in this paragraph is the objective that local authority members of a police and crime panel (when taken together)—

(a) represent all parts of the relevant police area;

(b) represent the political make-up of—

(i) the relevant local authority, or

(ii) the relevant local authorities (when taken together);

(c) have the skills, knowledge and experience necessary for the police and crime panel to discharge its functions effectively.

and appointment of a Chief Constable proving practicable?

Comments

All failed votes should be put in the annual review for public consumption.

Question 6d:

Should Police and Crime Panels have the power to veto PCC appointments of senior staff where they believe the criteria for suitability were inappropriate or not satisfied?

Comments

Yes.

Question 6e:

How should PCCs be held to account for their standards of personal conduct? What role should Police and Crime Panels have in this?

Comments

Yes, they should, and go for enhanced vetting by the security forces before taking the post.

Question 7:

Are the boundaries between the local roles and responsibilities of the PCC and Chief Constable being adequately communicated and understood by local communities? Is there evidence that they require any further clarification or guidance?

Comments

They are too political.

Question 8:

According to the Financial Management Code, Audit Committees should 'advise the PCC and the Chief Constable according to good governance principles and to adopt appropriate risk management arrangements.' How well is this working in practice? Are there any examples of conflicts of interests arising from PCCs and Chief Constables having in some cases, a joint audit committee and/or a joint chief financial officer?

Comments

Political meddling and they are not employed to be accountants. They should only be looking at financial records if it is reducing operational performance of the constabulary. I would recommend Her Majesty's Inspectorate of Constabulary judge this matter or report to the PCC on this matter.

Ethical Leadership

Consultation Questions

Question 9:

What do you see are the key responsibilities of PCCs as ethical leaders? Can you provide examples of PCCs managing those responsibilities well, or, if not, suggest what can be improved?

Comments

None this is a leading political question. If they sponsored by a political party how is that ethical?

Question 10:

What actions are PCCs taking to ensure that they and the police force they hold to account maintain the highest ethical standards and embed the Policing Code of Ethics? In particular how are PCCs and Chief Constables as leaders promoting and sustaining the core values of policing in the face of all the other pressures on the force? How are any obstacles being overcome?

Comments

When is not acceptable to be ethical when working in the police structure or legal structure? None, they are accountants for government. The use of pressure is to try to lead the answer, why? How would we know if are working within the department well or not, general public.

Question 11:

Is there sufficient transparency of propriety information from PCCs, for example published information on expenses, registers of interest, gifts and

hospitality and external meetings?

Comments

Infers politician, should not be in this position.

Question 12:

What measures have proved helpful in supporting PCCs to identify and resolve conflicts of interest in discharging their duties? Are there sufficiently robust protocols and guidance in place locally to manage these in a transparent way?

Comments

The conflict interests should be a minor part of the job, a why are dealingg with it in numerous questions? I would expect that the PCC to swear an oath that political influence will not affect their role or duties.

**Committee on Standards in Public Life
Local Policing – accountability, leadership, ethics
Consultation November 2014**

Questions

25. The Committee is interested in your views on how effective the police accountability structures are, what works well, what can be improved and what can provide the public with the necessary assurance that ethical standards are being maintained. The Committee welcomes any general comments but in particular invites responses to the following questions:

i. Are there any gaps in the existing mechanisms for holding PCCs to account?

See ii below

ii. What can PCCs do themselves to improve their accountability to the public in between elections? How well are these mechanisms working in practice?

Since the inception of the role the challenge is (and remains) how to connect PCCs in large metropolitan police forces with the local communities within the composite Local Authority areas. In GM the role of the PCC necessarily operates at the most strategic of levels. The GM Police and Crime Panel has senior political representation from the Boroughs and is therefore able to represent the strategic priorities of each Authority. The question is, 'is this sufficient to achieve visibility and accountability to local communities?'

We are aware of a different approach in one area of the country. In Local Authority areas each Safer Partnership (or equivalent) has been transformed into a local Police and Crime Panel and membership has been widened to include selected community representatives from defined locality areas and from Communities of Interest. The community representatives are trained and receive ongoing support. Their role is to remain abreast of key crime and community safety concerns of their communities (via attendance at PACT or other public engagement processes and to raise recurrent themes and identify blockages to progress at local levels at the local Police and Crime Board. In addition the PCC or his Deputy meets separately with the community representatives on a quarterly basis.

This model is not necessarily the right one for every police force area. The issue is what mechanisms are in place for different practices to be evaluated and those evaluations to be shared across the 43 police areas?

iii. How are PCCs ensuring transparency in their decision making?

The PCC GM website is used to publish all key decisions made at PCC meetings.

iv. What information is being made available to the public to enable them to scrutinise the performance of their local police force and hold PCCs to account? To what extent is it easily accessible, understandable and reliable?

xxx

v. What has worked best for PCCs in engaging with the public and local communities?

There is a commitment to hold a public meeting in each Borough annually as well as series of themed public meetings. 5 themed meetings were held in 2013 but only 2 are evidenced on the website for 2014. Minutes are available for the district meetings for 2013 but are not on the website for 2014. This does not infer no meetings have taken place, merely that minutes or attendance levels are not available on the website currently.

vi. How well are Police and Crime Panels able to hold a PCC to account between elections?

The GM Police and Crime Panel is a strategic body which meets bi-monthly. All relevant information is submitted to it from both the PCC's office and the Chief Constable so that it is able to fulfil its scrutiny role effectively.

a. Does the role of the Police and Crime Panel need any further clarification?

In terms of its accessibility and visibility to local communities, then yes.

b. How well are the current "balanced" membership arrangements ensuring effective scrutiny and support of PCCs?

Unable to comment

c. Are the current membership thresholds requiring a two thirds majority to veto a PCC's level of precept and appointment of a Chief Constable proving practicable?

Unable to comment

d. Should Police and Crime Panels have the power to veto PCC appointments of senior staff where they believe the criteria for suitability were inappropriate or not satisfied?

Yes. It does not seem sufficiently transparent or ethical not to apply the recruitment and assessment (appointment of staff on merit) rules for senior appointments to PCC appointed staff.

e. How should PCCs be held to account for their standards of personal conduct? What role should Police and Crime Panels have in this?

There is a published Code of Conduct and Ethical Framework for the GM PCC based on the Nolan Principles.

vii. Are the boundaries between the local roles and responsibilities of the PCC and Chief Constable being adequately communicated and understood by local communities? Is there evidence that they require any further clarification or guidance?

The different roles and responsibilities are clearly set out on the PCC's website. However we are unaware of any evidence gathered to test if local communities understand these roles and responsibilities. This is clearly reflected in the low turn-out at recent PCC elections.

viii. According to the Financial Management Code, Audit Committees should 'advise the PCC and the Chief Constable according to good governance principles and to adopt appropriate risk management arrangements.' How well is this working in practice? Are there any examples of conflicts of interests arising from PCCs and Chief Constables having in some cases, a joint audit committee and/or a joint chief financial officer?

Unable to comment

32. The Committee are concerned to understand generally the steps all parties to the Policing Protocol are taking to ensure they are abiding by the Seven Principles of Public Life. The Committee also wishes to consider specifically the extent to which PCCs are providing ethical leadership in embedding the Policing Code of Ethics, and are themselves acting within that framework as elected officials. The Committee invites views generally and on the following questions:

ix. What do you see are the key responsibilities of PCCs as ethical leaders? Can you provide examples of PCCs managing those responsibilities well, or, if not, suggest what can be improved?

Unable to provide examples.

x. What actions are PCCs taking to ensure that they and the police force they hold to account maintain the highest ethical standards and embed the Policing Code of Ethics? In particular how are PCCs and Chief Constables as leaders promoting and sustaining the core values of policing in the face of all the other pressures on the force? How are any obstacles being overcome?

Unable to comment

xi. Is there sufficient transparency of propriety information from PCCs, for example published information on expenses, registers of interest, gifts and hospitality and external meetings?

The PCC website contains all policies relating to Propriety and will make the detail of interests, gifts and hospitality available on request.

xii. What measures have proved helpful in supporting PCCs to identify and resolve conflicts of interest in discharging their duties? Are there sufficiently robust protocols and guidance in place locally to manage these in a transparent way?

Unable to comment

Submitted on behalf of

Trafford Council

Talbot Road

Stretford

M32 0TH

Contact: Joanne Hyde, Acting Corporate Director (T&R), [REDACTED]

joanne.hyde@trafford.gov.uk

DRAFT

Hello there

Here is the response from UNISON to the review of ethical standards and the police accountability landscape. It is brief, but to the point.

UNISON is the leading trade union for police staff in England, Scotland and Wales. Here we confine our response on behalf of our 30,000 police staff members working for forces in England and Wales. Police staff work alongside police officers. They are employees, and are not sworn into the office of constable. Police staff make up 35-40% of the total police workforce in England and Wales.

As the Committee will be aware from its review, in April of this year the College of Policing launched a new Code of Ethics to cover the whole police workforce.

When UNISON responded to the College consultation over the Code of Ethics we were very clear that the Code should apply to Police and Crime Commissioners and their staff, as well as to police staff and police officers. Our members could not understand why this principle was rejected by the College and why Police and Crime Commissioners were subsequently exempted from the Code. This clearly sent a strong message to the police workforce that its political masters were to be above scrutiny in relation to the standards that would otherwise apply to their workforces. As you can imagine this was interpreted as double standards.

I will try to retrieve some of the correspondence that we had with the College on this issue, but my recollection is that the College was of the view that the Code was not appropriately applied to PCCs because they were covered separately by the Nolan standards for public life.

I will be back in touch if there is any additional information that I can lay my hands on. In the meantime, if there is any other information which you would like in relation to the above, please just let me know.

Regards

Ben

Ben Priestley
National Officer
Local Government , Police and Justice
UNISON Centre
130 Euston Road
London
NW1 2AY



**Response to the Committee on Standards in Public Life consultation:
*‘Local Policing – accountability, leadership and ethics’***

Foreword:

In order to address this document, the Warwickshire PCC, Ron Ball, has consulted internally with his office. The stakeholders involved in these discussions were as follows:

- Eric Wood (Deputy Police and Crime Commissioner)
- Neil Hewison (Chief Executive and Monitoring Officer)
- Ben Twomey (PCC Support Officer)
- Rebecca Parsons (Policy & Research Officer – Performance and Scrutiny)
- Debbie Mullis (Policy & Research Officer – Standards and Integrity)

There are a number of concerns that should be raised regarding this consultation that are unaddressed in the main body of questions. Firstly, it must be noted that Warwickshire Police are part of a ‘Strategic Alliance’ with West Mercia Police. This alliance is at the forefront of innovative partnership working across England and Wales. While there are two PCCs and two Chief Constables for the two force areas, every police rank from ACC downwards is shared across the alliance area. This has clear implications for leadership and local accountability, which are not fully addressed in this document. We hope that these can be discussed in further detail at the follow-up meeting next year.

Secondly, the questions of this consultation apply almost exclusively to policing. Although it is recognised that this document is focused on ‘police governance’, the larger part of the PCC’s role is left overlooked. The ‘and crime’ section of the PCC’s title raises many questions regarding their leadership and mechanisms for partnership working. It also opens a more complex and less clearly defined range of accountability mechanisms. The Police and Crime Panel, charged with holding the PCC to account, is by its nature as involved in the ‘and crime’ business. Therefore it would be interesting to learn their views on its successful monitoring compared to that of the ‘police’ business.

Finally, we have highlighted various comparisons to other elected bodies, including national government, throughout this document. Although it is helpful to have a snapshot of this so-called 'police governance' area of business, the UK should also endeavour to have an equality of standards in public life. Mechanisms for accountability, leadership and ethics, should where possible be standardised across elected officials to ensure fair and equal scrutiny. In this respect, as we will reiterate below, PCCs should largely be subject to the same rules as MPs.

Accountability questions:

(i) Are there any gaps in the existing mechanisms for holding PCCs to account?

Yes. Police and Crime Panels do not have a sufficient statutory role or set of powers to ensure their involvement in police governance. This means that the engagement and scrutiny by Panels varies significantly from force area to force area. There is also the issue of training for Panels, which we would suggest is provided through a national 'pack' including an interactive CD, such as that which OFSTED provides to all school governors. It is essential for Panel members to understand the landscape of policing and the criminal justice system in order to be effective in holding the PCC to account.

Further to this, the ongoing debate regarding 'powers of recall' by the public are of interest in addressing the issue of loss of confidence in between elections. As mentioned in the foreword, we would expect any accountability mechanism that is applied to MPs to also apply to PCCs. This point has been stressed in a letter sent to the Home Secretary where all twelve independent PCCs are signatories. A final gap of note is that while PCCs have statutorily applied accountability mechanisms, there is no such equivalent to reference their 'answerability'. It is essential that PCCs consider themselves answerable to the public and for their actions, not just accountable through the ballot box.

(ii) What can PCCs do themselves to improve their accountability to the public in between elections? How well are these mechanisms working in practice?

The Warwickshire PCC has a range of measures in place to ensure transparency and accountability throughout his term. Many of these will be discussed in further detail in section '(v)'. To improve accountability between elections PCCs must maintain a high profile in criminal justice matters in the county, and account for their actions and decisions in public. They should also give the public opportunities to challenge those actions and decisions, as the Warwickshire PCC does in his bi-monthly 'public scrutiny' meetings. We would argue however that this question is too narrowly focused, as the PCC should also be answerable to Community Safety

Partnerships, scrutiny committees, and other elements relating directly to their role in a network of agencies.

(iii) How are PCCs ensuring transparency in their decision making?

In Warwickshire, all key decisions are published on our website, including minutes and video footage of public meetings. We publish reports to the Police and Crime Panel as well as their responses. The PCC carries out various statutory consultations, for example annually for their budget, or as a one-off such as the Community Remedy. Funding through our grant scheme has a clear assessment criteria and process, to ensure it is transparently fair and in no way arbitrary. The PCC has frequent media and public appearances to keep the public informed of his work and remain answerable to their challenges.

(iv) What information is being made available to the public to enable them to scrutinise the performance of their local police force and hold PCCs to account? To what extent is it easily accessible, understandable and reliable?

The Warwickshire PCC website has links to Police UK where the public can view 'my street', a tool revealing crimes recorded in their area. Police force performance is revealed in spreadsheet form at the bi-monthly public scrutiny meeting. This is provided in physical form to those attending but also uploaded to the website. All HMIC reports relating to Warwickshire are uploaded to the website as soon as possible after their release. We publish and present a bi-monthly update report, which is both scrutinised by the Police and Crime Panel and available on the website for public information. The responses by the Panel to this progress report are also uploaded. The website offers links to a user's local Safer Neighbourhood Team webpage, which offers an understanding of the local policing capacity and situation. We believe this is all easily accessible, understandable and reliable. Furthermore we have recently finalised an office delivery plan that will check the OPCC performance against the Police and Crime Plan and we will publish this for public access online.

(v) What has worked best for PCCs in engaging with the public and local communities?

Public scrutiny meetings where the public can watch the PCC hold the Chief Constable to account, as well as pose questions of their own, have been very well received. These bi-monthly meetings, as well as encouraging physical attendance of local people, are webcast to audiences often exceeding one hundred and fifty people. The PCC attends numerous public events and meetings, such as Neighbourhood Watch meetings, Community Forums and Council sessions. Employing a Media and Communications Officer has proven essential for engaging better with the community, raising the PCCs profile and reaching new audiences through the use of social media. The PCC welcomes media scrutiny and attention, and has a good relationship with local radio and other media to facilitate his

office's engagement. We also use an electronic tracker system to ensure all correspondence through the office is responded to in sufficient time. All of these aspects are consolidated into our 'engagement plan' – the working document that captures and directs all the PCC's actions in relation to engagement. As with the delivery plan, this engagement plan is on the website and available for the public to view.

(vi) How well are Police and Crime Panels able to hold a PCC to account between elections?

a) Does the role of the Police and Crime Panel (PCP) need any further clarification?

The public would certainly benefit from further clarification. It is unclear whether much of the public are aware of the PCP, and even fewer would understand their role.

b) How well are the current "balanced" membership arrangements ensuring effective scrutiny and support of PCCs?

There is the issue that independent PCCs, such as here in Warwickshire, may find themselves more assertively scrutinised than the party-affiliated PCC that has natural support to fall back on. There is also an issue in the way that the 'balance' is created; judged by the raw number of councillors as a proportion. Instead, a proportion of the vote cast in council elections may be a more effective way of both representing the politics of the county on the whole, and ensuring no panel is made up of councillors from a single party.

c) Are the current membership thresholds requiring a two thirds majority to veto a PCC's level of precept and appointment of a Chief Constable proving practicable?

The two thirds veto could be seen in theory as an effective mechanism for accountability. However, in practice this option in relation to the precept is totally undermined by the process. It is currently quite possible for the PCC to present their proposed precept level, have it rejected by the PCP, and then return to them with a revised precept with a change of less than 0.01%. The second presentation of the precept to the PCP is merely for comment, with no second power of veto. If the veto powers of the PCP are to be taken seriously, then they cannot be rendered meaningless by a PCC's persistence.

d) Should Police and Crime Panels have the power to veto PCC appointments of senior staff where they believe the criteria for suitability were inappropriate or not satisfied?

Yes, but with appropriate safeguards. It is worth noting a comparison with national government, particularly appointments to the House of Lords. Currently there

is clearly a democratic deficit in a number of appointments made by those with a democratic mandate. We would hope that methods of greater accountability in these processes are applied across the board, but it must be recognised that the PCC was democratically elected to exercise the functions of his office, whereas the PCP were not specifically.

e) How should PCCs be held to account for their standards of personal conduct? What role should Police and Crime Panels have in this?

Again, to look to national government, PCCs should be accountable by the same rules as MPs. If the current system is deemed inadequate then we would expect whatever is acceptable to the MPs is then applied to PCCs. It will also be important to determine who will hold PCP members' standards of personal conduct to account.

(vii) Are the boundaries between the local roles and responsibilities of the PCC and Chief Constable being adequately communicated and understood by local communities? Is there evidence that they require any further clarification or guidance?

There is a great deal of evidence to suggest that the public is aware of the Chief Constable and PCC roles, but unable to appropriately distinguish their remits. This is most clearly evidenced in that the majority of correspondence that comes through our office in fact relates to 'operational matters' and is forwarded to the force. Efforts have been made at almost every public appearance of the PCC in the last two years to effectively convey what his role precisely entails. The boundaries and distinctions have been emphasised by the Warwickshire OPCC being based in a separate location to police buildings. In addition, the PCC's website contains advice to guide the public about the respective roles of various individuals and organisations in handling complaints. This 'signposting' helps the public understand who to address concerns and complaints to, although it is clear it is not always followed.

(viii) According to the Financial Management Code, Audit Committees should 'advise the PCC and the Chief Constable according to good governance principles and to adopt appropriate risk management arrangements.' How well is this working in practice? Are there any example of conflicts of interests arising from PCCs and Chief Constables having in some cases, a joint audit committee and/or a joint chief financial officer?

In Warwickshire there has been no conflict of interest due to these sharing arrangements not being in place. Instead, the Audit Committee, as well as Chief and Deputy Chief Finance Officers, are shared between the OPCCs of the alliance; Warwickshire and West Mercia. This is working really well as the audit committee's focus on risk management has changed the PCC and Chief Constable's arrangements for the better. Processes are more robust and have created a more dynamic way of managing risk.

Ethics questions:

- (ix) What do you see are the key responsibilities of PCCs as ethical leaders? Can you provide examples of PCCs managing those responsibilities well, or, if not, suggest what can be improved?**

If PCCs are to be ethical leaders they must set an example of ethical conduct to be followed. Furthermore, they have a responsibility to maintain the highest standards of ethics in their office and the police force that they oversee. PCCs must hold the Chief Constable to account for the ethical conduct of their officers and staff. The following two examples demonstrate instances of ethical leadership by the Warwickshire PCC.

Firstly, the case of South Yorkshire PCC Shaun Wright highlighted a major flaw in formal accountability mechanisms should a PCC refuse to be answerable. In this case, despite having no party links or regional influence, the Warwickshire PCC made a public declaration that Shaun Wright should resign. The Warwickshire PCC used his position and status to make an ethical stand against the abuse of, or negligence in, such a position.

Secondly, the case of 'plebgate' reveals ethical leadership from the other side of public opinion. The easy choice in this instance would have been to condemn the police and join the calls for the dismissal of certain officers involved in the case. The media had contrived to use 'plebgate' to whip up public opinion against the police. Instead, the Warwickshire PCC exercised ethical leadership to call for calm, and to defend the need for processes and procedures before any punitive action is considered. The Warwickshire PCC did what he felt was right despite it being the more difficult position to adopt in the circumstances.

- (x) What actions are PCCs taking to ensure that they and the police force they hold to account maintain the highest ethical standards and embed the Policing Code of Ethics? In particular how are PCCs and Chief Constables as leaders promoting and sustaining the core values of policing in the face of all the other pressures on the force? How are any obstacles being overcome?**

The PCCs of Warwickshire and West Mercia recently established an independent Trust, Integrity and Ethics Committee to oversee ethical practice across the alliance. A key part of their work is to dip sample the nature and process of complaints handled by the alliance's Professional Standards Department. There is also a cultural change programme being undertaken to better align the cultures of Warwickshire and West Mercia Police. The Policing Code of Ethics will be embedded in the new alliance culture. In order to ensure this, all training of new staff and officers includes the code of ethics, and specific training for managers on cultural

change is taking place to feed back to their teams. Embedding ethical standards not only in one force but across the alliance could be seen as the main obstacle for the PCCs involved, but this has been overcome with the joint committee and joint change programme.

(xi) Is there sufficient transparency of propriety information from PCCs, for example published information on expenses, registers of interest, gifts and hospitality and external meetings?

All of this information is published on our website, in accordance with the PCC's statutory duty. At the latest Police and Crime Panel meeting (21/11/2014), the Warwickshire PCC was in fact praised by the panel for his openness and transparency.

(xii) What measures have proved helpful in supporting PCCs to identify and resolve conflicts of interest in discharging their duties? Are there sufficiently robust protocols and guidance in place locally to manage these in a transparent way?

We have developed a code of conduct for the PCC, DPCC and OPCC which incorporates the policing code of ethics. The role of the Chief Executive as 'Monitoring Officer' is also important in monitoring potential conflicts of interest. All decision forms are checked by our legal services and treasurer before being signed off and published on the website. A register of interests is completed and published by the PCC annually, as well as a declaration of gifts and hospitality. Thus far, the robustness of protocols has not yet been tested in Warwickshire, but once again we would suggest that any procedure applying to MPs should be extended where possible to include PCCs.

Concluding thoughts from Ron Ball, Warwickshire PCC:

I believe the public have the right to expect the highest levels of integrity from the police service that serves them. The way to ensure that is to recruit the right people in the first place, and then to compel the organisation that they join into promoting and encouraging the right values. Leaders must demonstrate the right behaviour, and need to insist on openness and transparency throughout the organisations. Genuine whistle-blowers must feel that their concerns will be taken seriously and not feel constrained by fear of jeopardy. By implementing all of these aspects, 'doing the right thing' will become ingrained in the culture of the organisation. Officers and staff will take pride in an organisation that embodies a clear set of ethical values, and the public will receive a better quality of service if dealing with a police governance structure that is rooted in the principles of trust, ethics and integrity.

Submission from Warwickshire Police and Crime Panel

**Committee on Standards in Public Life
Local Policing – accountability, leadership and ethics**

This submission is the collective view of the Warwickshire Police and Crime Panel and the Panel's Lead Support Officer in respect of Questions 1-6.

Consultation Questions and suggested input:

Q1. Are there any gaps in the existing mechanisms for holding PCCs to account?

At present, the only *direct* means of holding a PCC to account is through the ballot box every four years. Given the role of the PCC, as a single individual in direct control of local policing, crime strategy and a significant budget, the current public accountability structure feels insufficient. The PCP is the principal body for holding the PCC to account; however, its role is unclear in a number of areas (see Q6a). The PCP can only express opinions and seek to influence the PCC indirectly; the PCP's direct powers of veto are extremely limited in practice.

There is also potential for conflict and confusion in accountability. The underlying community safety landscape is crowded, particularly in a two-tier county. The responsibilities of District Councils, the County Council, the PCC, and Community Safety Partnerships at district and county level overlap to some extent. Similarly, some scrutiny of what a PCC is doing (or not doing), could in theory be undertaken by a number of bodies, including local authority scrutiny committees at district or county level and PCC Audit Committees, in addition to PCPs. But in practice, the PCP is the likely to be the only effective public scrutiny of the PCC as it is focused exclusively on the PCC.

The role of HMIC is too limited. HMIC needs to take a whole systems approach to inspection of police forces, including the governance arrangements. HMIC should be inspecting both PCC and PCP, not just the force. If there is weakness in a police force, it may be the result of weakness in the governance arrangements which have not spotted it.

As referred to in the CSPL inquiry document: *"PCCs are elected for a four year term of office with a limit of two terms. They can be disqualified from holding office on certain grounds, such as being the subject of debt or bankruptcy conditions or on conviction of a criminal offence. They can only be suspended by their Police and Crime Panel in circumstances where the PCC has been charged with a criminal offence which carries a maximum term of imprisonment exceeding two years"*. These reasons for dismissal or suspension seem to lack logic. Debt can easily be suffered by an honest individual yet it can incur a serious penalty. By contrast, a wilful criminal act incurring a prison sentence of less than two years seems to be no less serious. This is neither logical nor fair.

Q2. What can PCCs do themselves to improve their accountability to the public in between elections? How well are these mechanisms working in practice?

The Warwickshire PCC uses the local press, radio, Internet and social media to engage with the public. He also holds public scrutiny meetings (which are webcast) across the county, at which members of the public can put questions to either the PCC or the Chief Constable. The PCC also holds the Chief Constable to account (focusing on Warwickshire Police performance) in those meetings. However, the level of public participation is not high and it is difficult to determine whether these methods have had any impact on the decisions and activities of the PCC or the Chief Constable. The Panel is not aware if the PCC has undertaken any surveys to gauge the public perception.

Submission from Warwickshire Police and Crime Panel

Committee on Standards in Public Life Local Policing – accountability, leadership and ethics

Q3. How are PCCs ensuring transparency in their decision making?

PCCs are not subject to the same legislation which local government authorities are (i.e. the requirement to publish a Forward Plan of key decisions and provide five working days public notice of proposed decisions). The Warwickshire PCC lists his decisions on the OPCC website, but this is after the decision has been made rather than during the process of consideration. This seems to be an oversight when there is such a rigid approach to local authorities in respect of decision-making, but none of the obligations for the PCC. As both Councils and PCCs are elected by the public and are in control of public budgets, there needs to be consideration about how PCC decision-making could be more transparent. The Home Office may wish to consider the manifesto of CLG in terms of local government transparency (see the Openness of Local Government Bodies Regulations 2014).

Q4. What information is being made available to the public to enable them to scrutinise the performance of their local police force and hold PCCs to account? To what extent is it easily accessible, understandable and reliable?

The Panel is aware that agendas and reports are produced for the PCC's public scrutiny meetings and members of the public are permitted to ask questions. These are available on the PCC's website – the Panel is not aware what other mechanisms are used to disseminate information to the public.

The PCP publishes all of its agendas in accordance with the Access to Information Act 1985 and promotes the meeting and agenda items through social media and the local press. The PCP has a Public Question Time scheme by which any member of the public can attend and submit a question to the PCP or the PCC. All meetings are webcast.

The Panel has not gauged the public's view on how accessible or understandable the information is and is largely dependent on the PCC to ensure that the information provided is reliable.

With regard to force performance, there are no standards that the PCC has to comply with in holding the Police and Chief Constable to account. The law simply prescribes what the PCC has to do as a minimum.

Q5. What has worked best for PCCs in engaging with the public and local communities?

The public scrutiny meetings appear to be a success and the PCC has also developed a Community Engagement Strategy. So far, it is not clear what impact the PCC's interaction and engagement with the public has achieved – this is an area of focus for the PCP.

The Warwickshire PCC has appointed 29 Community Safety Ambassadors across the county. The CSAs are required to attend their local community forum and formally report back to the PCC with regard to: policing priorities; community concerns; community tensions; and, good news in relation to policing and community safety issues in their localities.

The PCC considers the CSAs to be a key component of his engagement strategy; however, the PCP considers the scheme to be too early in its delivery to judge the success of it. Councillors have expressed concerns about the potential for the public to confuse the role of the CSAs and their own roles in engagement at local community meetings.

Submission from Warwickshire Police and Crime Panel

Committee on Standards in Public Life Local Policing – accountability, leadership and ethics

Q6. How well are Police and Crime Panels able to hold a PCC to account between elections?

The Warwickshire PCP holds five formal meetings each year and has two Working Groups, both of which have a role in monitoring the decisions, policies and plans of the PCC, as follows:

- Budget Working Group – undertakes quarterly budget monitoring
- Planning and Performance Working Group – monitors the Delivery Plan for the Police and Crime Plan objectives and force performance through measuring outcomes and outputs. The Working Group identifies priority issues and topics for consideration at the Panel meetings.

In addition, the Warwickshire PCP recently appointed a Task and Finish Group of three members to undertake a review of victims' services in Warwickshire, in order to submit recommendations to the PCC to assist in his commissioning activity ahead of April 2015. The success of these three groups is predominately due to the interaction with the PCC and his staff. In all cases, the PCC has been open and willing to share information with the PCP and subsequently a positive working relationship has developed. This has greatly assisted the Panel's ability to both scrutinise and support the PCC. It worth noting that a number of PCCs are very inexperienced but wise enough to recognise that effective scrutiny is really helpful in ensuring they are doing a good job.

Resources to the PCP are considered to be insufficient. The Panel requires professional support; for example, in undertaking analysis of performance and budgets, in addition to the administrative support (which is all that can be funded from the existing Home Office grant). Elected members on the PCP have other important roles in their local authority and are not granted an extra allowance (in the majority of cases) for their role on the PCP. In many cases, the independent co-opted members do not receive an allowance and the skills for which they were appointed are not valued. A lack of resource ultimately limits the level of activity the Panel can achieve. However, recent events, such as the resignation of the South Yorkshire PCC (Shaun Wright), have demonstrated the importance of PCPs in holding the PCC to account, which is contrary to the Home Office's initial intention of 'light touch' scrutiny (which is what the Home Office grant can only provide for).

Q6a. Does the role of the Police and Crime Panel need any further clarification?

The concept of a PCP both scrutinising and supporting a PCC can be in conflict, particularly if a PCC does not want to be thoroughly scrutinised. And if the majority of a PCP's members are from the same political party as the PCC and may even be former colleagues, there are risks that *scrutiny* may become secondary to *support*. In light of this, the PCP role does need further clarification.

There is no recent guidance to PCPs on *how* they should hold PCCs to account and there are no standards that they have to meet. Revised standards and best practice guidance, based on PCPs *now* (rather than how they were intended in 2012) may improve the effectiveness of PCP scrutiny and clarify the role. Furthermore, the role of PCPs in monitoring police performance is unclear. The PCC holds the Chief Constable to account, and the PCP hold the PCC to account. The PCP therefore needs to scrutinise how the PCC is holding the Chief Constable to account, needs to know what information he has to do this,

Submission from Warwickshire Police and Crime Panel

Committee on Standards in Public Life Local Policing – accountability, leadership and ethics

whether it is sufficient, how he uses it and whether he is effective in his methods. This in itself is a major task. Some view this as the PCP intruding on the PCC role.

Similar to local government Overview and Scrutiny Committees, the 'power' of the Panel is predominately indirect, via influence and holding the PCC to account. The Panel can make recommendations to the PCC, but ultimately he decides whether to accept or reject them. In light of this, the 'power' of the Panel is largely dependent on the interpersonal relationship between the PCP members and the PCC and fortunately, as outlined at Q6 above, the PCP and the PCC in Warwickshire have developed a positive working relationship. If a PCC is evasive, unwilling or tardy in providing what a PCP needs, the PCP has limited means of forcing the PCC's hand. For this situation, PCPs need more powers over budgets, appointments, and information, and powers to require the PCC to provide information, not just attend meetings. While this is not an issue in Warwickshire, we are aware that many Panels face this challenge and are calling for more powers as a result.

While the PCP has limited power in terms of complaints against the PCC, responding to the proposed precept and in Confirmation Hearings for senior appointments to the OPCC, it appears to have significant power when considering Confirmation Hearings for Chief Constables. Although a Panel's decision to veto the PCC's proposed candidate requires a two-thirds majority vote in favour, and would only be used in exceptional circumstances, if a Panel does agree to veto, the candidate cannot be appointed; this is likely to have significant implications for the candidate and for the PCC. There appears to be an imbalance of power when comparing the role of the PCP in this event with their role when considering the precept. Why does the legislation permit the PCC to, in effect, ignore the Panel's veto of the precept but prevent the PCC from appointing a particular candidate for the Chief Constable? This also needs clarification.

The concept of light touch scrutiny promoted by the Home Office is now inappropriate. It seems to have been based on the fact that the PCC is accountable to the electorate; however, turnout and actual numbers voting for any candidate are low and there is little public interest that the PCC does need to be properly held to account. Home Office guidance suggested that PCPs should meet four times a year, but in practise PCPs that take the role seriously have found it necessary to meet more frequently. Many, as in Warwickshire, have been required to also establish both standing and time-limited sub-committees to undertake detailed scrutiny work on the PCC's budgets, plans and activities (see Q6).

Q6b. How well are the current 'balanced' membership arrangements ensuring effective scrutiny and support of PCCs?

It is appropriate that all parts of the relevant police area are represented on the PCP and that membership is 'balanced' both politically and geographically; however, this has implications on a practical level which can, to an extent, hinder the ability of the PCP to effectively hold the PCC to account. Each County, District and Borough Council within a police force area has their own election cycles; this often means that there is an election in at least one area every year. This has implications for the membership of the Panel because: a) following an election, the balance of political parties may change, which means the political make-up of the Panel has to be amended accordingly; and b) members of the Panel who are standing for election may not win their seat or may be appointed to a different role, post-election. Subsequently, the membership of the PCP is inconsistent and there is not a continuity of members. The changes can disrupt the Panel; new members may take a while to understand the role of the PCC/PCP, they will not have the prior knowledge of the PCCs strategies and policies, and they may not have the necessary scrutiny skills to effectively

Submission from Warwickshire Police and Crime Panel

Committee on Standards in Public Life Local Policing – accountability, leadership and ethics

hold the PCC to account. It is worth highlighting here that the co-opted members help to provide continuity when there is a turnover of elected members in May each year.

In Warwickshire, the current approach by the PCP is predominantly non-political, possibly due to representation from all three parties which ensures a proper balance and because the PCC is independent. However, in the event that one political party dominates a particular force area and is of the same persuasion as the PCC, the Panel could potentially become more political in its activity. The role of the co-opted members, as independent members of the public, is essential to maintain this balance and encourage a non-political approach should that situation arise. The possibility of increasing the number of co-opted members to ensure that there is sufficient representation on Panel sub-committees should be considered. There also needs to be consideration about strengthening the requirement for co-opted members to have particular expertise or knowledge in key areas of criminal justice, such as victim support or probation.

Q6c. Are the current membership thresholds requiring a two thirds majority to veto a PCC's level of precept and appointment of a Chief Constable proving practicable?

The two-thirds majority threshold has not yet been an issue in practise in Warwickshire, but it appears to be an appropriate threshold given the gravity of a veto decision, particularly in the case of Chief Constable appointments. With regard to the precept, the PCP is aware that the power of veto is largely symbolic, in that the PCC can respond with a minimal variation (e.g. just 1p) with no further veto possible by the PCP.

Q6d. Should Police and Crime Panels have the power to veto PCC appointments of senior staff where they believe the criteria for suitability were inappropriate or not satisfied?

The key issue that needs to be considered is how the role/power of the PCP is balanced against employment law. If a candidate goes through a full and robust recruitment process and is then vetoed by a PCP with limited information, would they have a case legally?

The PCP is not an appointments panel and would not necessarily have the skills and resources to fulfil such a role. It is reasonable to expect the PCC to have an audited, robust and objective appointments process, and for the PCP to have (confidential) access to the necessary information during the recruitment process for PCC appointment of senior staff. There needs to be clarity about why the PCP is able to veto a Chief Constable appointment (which ultimately prevents the candidate from being appointed) but not able to veto the senior staff appointments to the OPCC and whether the PCPs responsibility or role in either event is appropriate.

The PCC is accountable to the electorate and the Chief Executive and other OPCC staff are appointed through standard appointment processes in line with public sector practices; however, the Deputy PCC is not subject to either of these assessments and is neither elected nor recruited. In some parts of the country the deputy PCC 'earned' the post by working as election agent to the PCC. Such an important post should go under greater scrutiny than that at the point of recruitment. There needs to be consideration about how DPCCs are assessed prior to being awarded the position.

Submission from Warwickshire Police and Crime Panel

Committee on Standards in Public Life Local Policing – accountability, leadership and ethics

There is also a view that a DPCC should be in place to create an experienced successor without the delay and considerable expense of holding further elections. Possibly the runner-up in the election could be considered by whoever sets the procedure.

Q6e. How should PCCs be held to account for their standards of personal conduct? What role should Police and Crime Panels have in this?

Requiring the PCC to sign up to more robust Code of Conduct may help the PCP to measure his/her personal conduct. At present, PCCs are required to declare an oath which includes: *'I will act with integrity and diligence in my role ... I will take all steps within my power to ensure transparency of my decisions, so that I may be properly held to account by the public. I will not interfere with the operational independence of police officers'*. However, unless the criminal line is crossed, there is little that can be done, which is similar to local authority councillors under the new regime. There is a debate at present regarding granting PCPs powers of recall over PCCs, primarily following the conduct of the South Yorkshire PCC (Shaun Wright) to which the PCP could only take a vote of no confidence. However, no committee or public body currently has a power of recall of elected members in local government and, ultimately, it is the electorate that determines the future of Councillors and PCCs; that is one of the fundamentals of local democracy.

PCPs should continue to hold PCCs to account for their personal conduct as part of the interaction between the two (i.e. the PCP acting as a 'critical friend') and by enabling members of the public to represent their views to the PCC at meetings (as undertaken by the South Yorkshire PCP; there was a large representation from the victims of Child Sexual Exploitation who presented their experiences and views to the PCC).

**Warwickshire Police and Crime Panel
25th November 2014**

**Georgina Atkinson
Democratic Services Team Leader (lead support officer to the Panel)
25th November 2014**



Bill Longmore
Police and Crime Commissioner
West Mercia

The Secretary for the
Committee on Standards in Public Life
GC05
1, Horse Guards Road
London
SW1A 2HQ

Date: 26 November 2014

Our Ref: BL/JI

Dear Sir,

Local Policing – accountability, leadership and ethics issues and questions paper: Response from Bill Longmore, Police and Crime Commissioner for West Mercia

Thank you for the opportunity to respond to issues and questions set out in the paper.

General observations

i. Are there any gaps in the existing mechanisms for holding PCCs to account?

1. The existing mechanisms for holding PCCs to account are considerable. They are accountable to the public as all democratically elected persons are, through traditional and social media and through the democratic process. They have extensive duties to publish information about their decisions and actions, predominantly prescribed through the Elected Local Policing Bodies (Specified Information) Order 2011 as amended. PCCs actions and decisions are scrutinised by the Police and Crime Panel in public.

ii. What can PCCs do themselves to improve their accountability to the public in between elections? How well are these mechanisms working in practice?

iii. How are PCCs ensuring transparency in their decision making?

iv. What information is being made available to the public to enable them to scrutinise the performance of their local police force and hold PCCs to account? To what extent is it easily accessible, understandable and reliable?

2. PCCs ensure transparency in their decision making by publishing them on their websites, and, where appropriate, announcing those decisions through traditional

and social media. In West Mercia each decision is accompanied by the rationale and information used to make that decision.

3. As stated above, the information PCCs are required to make available to the public is set out in the Schedule to the Elected Local Policing Bodies (Specified Information) Order 2011 as amended. The relevant part is attached as Appendix A for ease of reference. If PCCs comply with this in an accessible manner then they are very transparent and can be easily held to account by the public they serve.
4. The amount of information required to be published is very extensive, both in its depth and breadth. Indeed, there is so much information published there is the danger that members of the public will not be able to find what they are looking for.

v. What has worked best for PCCs in engaging with the public and local communities?

5. The PCC for West Mercia has found that meeting the public and local communities is best achieved through attending pre-existing meetings. This includes formal gatherings (such as local councils, social and charitable organisations) and informal gatherings such as fairs, fetes and social events. In addition, the PCC has held a number of joint open days with West Mercia Police which were very well attended and proved to be an effective way of making both the PCC and the police more accessible to local communities. Whilst traditional and social media have proved effective at engaging with certain sections of the public, its reach is not comprehensive. A holistic approach is required in order to engage with as wide a cross-section of the public and local communities as possible.

vi. How well are Police and Crime Panels able to hold a PCC to account between elections?

- a. Does the role of the Police and Crime Panel need any further clarification?*
- b. How well are the current "balanced" membership arrangements ensuring effective scrutiny and support of PCCs?*
- c. Are the current membership thresholds requiring a two thirds majority to veto a PCC's level of precept and appointment of a Chief Constable proving practicable?*
- d. Should Police and Crime Panels have the power to veto PCC appointments of senior staff where they believe the criteria for suitability were inappropriate or not satisfied?*
- e. How should PCCs be held to account for their standards of personal conduct? What role should Police and Crime Panels have in this?*

6. The role of the Police and Crime Panel is clear. It does not need any further clarification. It is not the role of the Police and Crime Panel to hold a PCC to account. As an elected representative the PCC is accountable to the public. The role of the Police and Crime Panel is to scrutinise the actions and decisions of the Commissioner. Their role is fulfilled in public. That gives them more than sufficient locus to challenge a Police and Crime Commissioner for their standards of personal conduct.

7. The only weakness in the current system is that there is often a turnover of membership in police and crime panels, due to the regular nature of elections and changes in nominations from large numbers of constituent local authorities. This does mean that some members gain more experience and are more effective than others. Consequently Panels need better support than host authorities can provide within the very meagre resources available to them for this purpose.
8. The current membership thresholds requiring a two thirds majority to veto a proposed precept or appointment of chief constable are practicable. Given the processes prescribed for the recruitment of chief constables, any veto of such appointments will be very unlikely and very hard to justify. If it were too easy to veto a proposed precept, the power would emasculate the democratic mandate of a commissioner, thereby fundamentally undermining parliament's intention.

vii. Are the boundaries between the local roles and responsibilities of the PCC and Chief Constable being adequately communicated and understood by local communities? Is there evidence that they require any further clarification or guidance?

9. The majority of the population appear to understand the difference in roles between at the PCC and Chief Constable. Whilst there is still the occasional individual who writes to the Commissioner on a purely operational matter, the difference in roles is easily explained. Whilst it will always be helpful to take opportunities to explain the difference in roles to reinforce communications and maintain understanding locally and nationally, no further clarification or guidance is required.

viii. According to the Financial Management Code, Audit Committees should 'advise the PCC and the Chief Constable according to good governance principles and to adopt appropriate risk management arrangements.' How well is this working in practice? Are there any examples of conflicts of interests arising from PCCs and Chief Constables having in some cases, a joint audit committee and/or a joint chief financial officer?

10. Audit arrangements are working well in West Mercia where there is a joint Audit Committee with Warwickshire, overseeing 4 bodies: the 2 PCCs, and 2 Chief Constables. No conflict of interest has arisen, or is likely to arise. Commissioners own all the assets, all contracts are in the Commissioners' names, the Commissioners holds the funds, and staff of the Chief Constable administer these. The Audit Committee and the arrangements described above follow established good practice.

ix. What do you see are the key responsibilities of PCCs as ethical leaders? Can you provide examples of PCCs managing those responsibilities well, or, if not, suggest what can be improved?

x. What actions are PCCs taking to ensure that they and the police force they hold to account maintain the highest ethical standards and embed the Policing Code of Ethics? In particular how are PCCs and Chief Constables as leaders promoting and sustaining the core values of policing in the face of all the other pressures on the force? How are any obstacles being overcome?

11. Police and Crime Commissioners are responsible for effective and efficient policing and for setting the strategic direction of policing and community safety through the Police and Crime Plan. The Police and Crime Commissioner has signed up to the Nolan principles, therefore there is a need to set a good example in the way they fulfil their responsibilities.
12. The Police and Crime Commissioner for West Mercia addresses graduating police constables, specials and PCSOs, and part of that address includes discussion about the ethics and standards expected of them. He has set up a joint Trust, Integrity and Ethics Committee with the Police and Crime Commissioner for Warwickshire. The terms of reference of this Committee are attached, Appendix B. Whilst it looks at the standards of conduct within the police, it also has the remit to look much more widely, has been given authority to consider issues faced by the Commissioners as well as by the Police.
13. The Trust Integrity and Ethics Committee has a work plan covering the Commissioners' term. So far the only obstacle has been the depth and breadth of work required, which is being overcome by prioritisation based on matters of current public interest, including those raised by Inspectorates.

xi. Is there sufficient transparency of proprietary information from PCCs, for example published information on expenses, registers of interest, gifts and hospitality and external meetings?

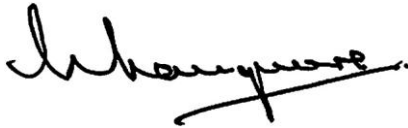
14. There is sufficient transparency of proprietary information from PCCs (see paragraphs 3 to 5 above).

xii. What measures have proved helpful in supporting PCCs to identify and resolve conflicts of interest in discharging their duties? Are there sufficiently robust protocols and guidance in place locally to manage these in a transparent way?

15. Awareness, openness and honesty in relationships between key individuals including the Commissioner, his office, chief officers and other leaders in the police and partners have been critical factors in supporting the Police and Crime Commissioner identify and resolve conflicts of interest. Some issues are relationship based and is therefore being open and transparent about where people and resources both go and comes on helps significantly.

16. The issues arising in South Yorkshire earlier in the year would not have been addressed or Commissioner supported by any good practices we are aware of.
17. Any queries about this response should be directed, in the first instance, to Andy Champness, Chief Executive, email:
Andrew.champness@westmercia.pnn.police.uk

Yours sincerely,

A handwritten signature in black ink, appearing to read 'B Longmore', with a long horizontal stroke extending to the right.

Bill Longmore
Police and Crime Commissioner West Mercia

Elected Local Policing Bodies (Specified Information) Order 2011 as amended

SCHEDULE PART 1 – INFORMATION

- 1.** In relation to the relevant office holders of the elected local policing body—
- (a) the name of each relevant office holder;
 - (b) the address for correspondence of each relevant office holder;
 - (c) the salary of each relevant office holder;
 - (d) the allowances paid to each relevant office holder in respect of expenses incurred by the office holder in the exercise of the body's functions;
 - (e) a register of interests of relevant office holders, including every paid employment or office or other pecuniary interest of each relevant office holder.
 - (f) the number of complaints or conduct matters that have been brought to the attention of a relevant office holder by the police and crime panel (either because they have been referred to the Independent Police Complaints Commission, or because they are being subjected to informal resolution by the panel).

2. In relation to the staff (and, in relation to gifts and hospitality, also the relevant office holders) of the elected local policing body—

- (a) the number of members of the staff;
- (b) the proportion of the staff who—
 - (i) are women,
 - (ii) are, to the knowledge of the elected local policing body, members of an ethnic minority,
 - (iii) have, to the knowledge of the elected local policing body, a disability (within the meaning of section 6 of the Equality Act 2010);
- (c) an organisational chart showing the structure of the staff;
- (d) the job title, responsibilities and salary of each senior employee and (unless the senior employee refuses to consent to the publication of his name) the name of the senior employee;
- (e) 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.

2A. In relation to—

- (a) the duty of the chief officer of the police force maintained by the elected local policing body to provide assistance to the body under section 2(5) or 4(5) of the 2011 Act; and
- (b) the power of a local authority to provide administrative, professional or technical services to the elected local policing body under section 1(1) of the Local Authorities (Goods and Services) Act 1970(c),

information as to any arrangements for use by the elected local policing body of the staff of the chief officer or of a local authority under those provisions.

3. In relation to the income and expenditure of the elected local policing body—

- (a) the total budget of the elected local policing body;
- (b) where the elected local policing body is a police and crime commissioner, the precept issued by the commissioner;
- (c) information as to each anticipated source of revenue of the elected local policing body (other than, in the case of a police and crime commissioner, the precept);
- (d) information as to the proposed expenditure of the elected local policing body;
- (e) a copy of the annual investment strategy of the elected local policing body;
- (f) information as to each crime and disorder reduction grant made by the elected local policing body, including 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;

- (g) information as to each item of expenditure of—
 - (i) the elected local policing body, or
 - (ii) the chief officer of the police force maintained by the body, exceeding £500 (other than a crime and disorder reduction grant made by the elected local policing body or an item of expenditure to which sub-paragraph (h) applies), including the recipient of the funds, the purpose of the expenditure and the reasons why the body or the chief officer (as the case may be) considered that good value for money would be obtained.
- (h) information as to each item of expenditure of the elected local policing body in relation to travel by, accommodation for, or the subsistence of, a relevant office holder, including the recipient of the funds, the purpose of the expenditure and the reasons why the elected local policing body considered that good value for money would be obtained.

4. In relation to the property, rights and liabilities of the elected local policing body—

- (a) the identity of any premises or land owned by, or occupied for the purposes of, the elected local policing body;
- (b) a copy of each contract with a value exceeding £10,000 to which—
 - (i) the elected local policing body, or
 - (ii) the chief officer of the police force maintained by the body, is or is to be a party;
- (c) a copy of each invitation to tender issued by—
 - (i) the elected local policing body, or
 - (ii) the chief officer of the police force maintained by the body, in relation to a contract which the body or chief officer (as the case may be) expects will have a value exceeding £10,000;
- (d) a list of every contract with a value not exceeding £10,000 to which—
 - (i) the elected local policing body, or
 - (ii) the chief officer of the police force maintained by the body, is or is to be a party, including the value of the contract, the identity of every other party to the contract and the purpose of the contract.

5. In relation to the decisions of the elected local policing body—

- (a) the date, time and place of each public meeting to be held by the elected local policing body;
- (b) a copy of the agenda for each public meeting held by the elected local policing body, and any report or other document that is the subject matter of an item on the agenda;
- (c) a copy of the minutes of each public meeting held by the elected local policing body, and of each meeting which is not a public meeting but at which matters of significant public interest arising from the exercise of the body's functions are discussed.
- (d) a record of each decision of significant public interest arising from the exercise of the elected local policing body's functions, whether made by the body at or as a result of a meeting or otherwise.

6. In relation to the policies of the elected local policing body—

- (a) a statement of the policy of the elected local policing body in relation to the conduct of relevant office holders, including procedures for the handling of qualifying complaints and conduct matters (within the meaning of section 31 of the 2011 Act);
- (b) a statement of the policy of the elected local policing body in relation to the making of decisions of significant public interest arising from the exercise of the body's functions;
- (c) a statement of the policy of the elected local policing body in relation to records management, including procedures for the security and sharing of information and the retention and destruction of documents;
- (d) a statement of the policy of the elected local policing body in relation to the handling of qualifying disclosures (within the meaning of section 43B of the Employment Rights Act 1996).

7. In relation to the prevention of crime and disorder, a copy of any report required by the elected local policing body from the responsible authorities for a local government area under section 7(1) of the Crime and Disorder Act 1998.

8. In relation to the independent custody visitor arrangements made under section 51 of the Police Reform Act 2002(a), information as to the operation of the arrangements.

Trust Integrity and Ethics Committee Terms Of Reference

Purpose

Policing in this country is by consent of the public. Police integrity is critical if the public are to trust the police to use their powers wisely and above all fairly.

The Ethics Committee is responsible for enhancing trust and confidence in the ethical governance and actions of West Mercia Police and Warwickshire Police, and consequently will consider issues both internal and external to the Forces.

In so doing, this will help ensure that the two Forces have clear ethical standards and aspires to, and achieves, the highest levels of integrity and standards of service delivery.

It will discharge responsibilities by:

- Promoting the highest standards of ethical conduct
- Providing a focus for education into ethical issues
- Being a source of support to others
- Ensuring compliance with organisational values
- Identifying good practices, behaviour and demonstration of values, and opportunities for improvement

Terms of Reference

The Ethics Committee will consider and may make recommendations regarding the following:

Policy and Procedure

- Providing advice to those engaged in the development or review of force policy and procedure;
- Ensuring policy and procedure reflects the stated values of the force and police service

Decision Making

- Reviewing the decision making of others

Leadership

- Reviewing the ethical standards expected of all leaders
- Supporting and if necessary challenging the ethical conduct of leaders

Culture

- Reviewing organisational values
- Promoting the purpose and adoption of value based action and decision making throughout the force
- Ensuring the Code of Ethics and force values are applied consistently across all activities of the forces

People

- Reviewing staff performance in upholding the values of the force and police service
- Scrutinising inter-personal relations, such as behaviour that may fall short of the conduct threshold but indicate a failure to afford an individual dignity or equality in treatment

Performance

- Ensuring operational and organisational performance is measured and delivered ethically, upholding the values of the force and Code of Ethics

Conduct

- Oversight of arrangements to protect those who challenge conduct (whistleblowers)
- Ensuring investigations are conducted ethically and in compliance with relevant process and force values.
- Consider potential ethical conflict in relation to matters such as procurement, hospitality, allowances/expenses and personal association.
- Regular reviewing a selection of complaints files to satisfy itself that the Forces' procedures, investigations and outcomes have addressed statutory requirements
- Monitoring of Force and PCC systems for recording and monitoring complaints
- Monitoring of performance data regarding complaints to ensure that the Force has an effective complaints reporting system in place and is identifying and learning from any recurring patterns or themes
- Reviewing the progress of live complaint cases or misconduct investigations, including appeals, that cause or are likely to cause particular community concern or raise reputational issues
- Monitoring the proportionality of decision making around complaints and misconduct allegations, including the potential discriminatory impact on the community and the officers and staff of the Force
- Reviewing registers and policies maintained by the Force and the Office of the PCC (e.g. Media Contact and Gifts and Hospitality Registers)



E98 - West Midlands Police

CHRIS SIMS OBE QPM DL
CHIEF CONSTABLE

POLICE HEADQUARTERS
PO Box 52
Colmore Circus Queensway
BIRMINGHAM
B4 6NQ

Direct Telephone:
Switchboard: (0345) 1135000
Facsimile:
Email: contactus@west-midlands.police.uk

Lord Paul Bew
Chair
Committee on Standards in Public Life
Room GC.05
1 Horse Guards Road
London SW1A 2HQ

17 October 2014

Dear Lord Bew

Local Policing – Accountability, Leadership and Ethics

Thank you for your letter dated 9 October 2014. It is very helpful to understand the nature and extent of your enquiry.

Seeking the views of the accountable on those who hold them to account presents challenges. It is, perhaps, even more challenging in policing given the 'one to one' accountability of the Police and Crime Commissioner (PCC) system.

At the time the PCC system was being developed colleagues and I adopted an approach of avoiding a direct critique of the proposals but with an expectation of being clear 'how' the system worked.

In this context I will confine my comments to areas where I question whether the system is clear on 'how' it works. It would be inappropriate to offer a specific critique on or beyond these points. You may find other Chief Constables in a similar position and may wish to consider how further insight can be developed on the matters you are exploring with this group.

In addressing your questions:-

- 25(i) Parliament created the PCC's as directly elected democratic figures, an unfamiliar institution in the UK. The early design of the model had no accountability arrangement for the PCC beyond the ballot box. The amendments to the legislation introduced the Police and Crime Panel. The panel's limited powers are very clear and they are not an active part of the model. There are no other accountability mechanisms in place. A shift from the constitutional principle of executive and legislature to one of direct democracy was always going to raise tensions on who holds directly elected figures to account.
- (ii) This is a matter I do not feel is appropriate to address. The strengths and limitations to the model are very clear.
- (iii) This is not a matter I can fully address. It does seem PCC's have operated different approaches to decisions they make in public forums to those they make in private and publish. I would note the former approach closely resembles that of the Police Authorities they replaced.



Our Vision: **Serving our communities, protecting them from harm**
www.west-midlands.police.uk

- (iv) A considerable level of police information is available through HMIC, police.uk, Force and PCC websites and annual reports. The information is somewhat fragmented. I note that the HMIC PEEL inspections are intended to create a stronger single narrative for a force.
- (v) I do not believe this is a matter I can comment upon.
- (vi) As I have described earlier, the panels have clearly defined roles and limited powers. They are constituted from local government and membership is selected by local government leaders. They are clearly heavily politically constituted and do not constitute a priority for council leaders or members of their executive given the range of functions local government has to service.

The remaining matters in this section are not matters for the Chief Constable to determine or design. There remains, however, a fundamental issue of the constraints on directly elected officials.

- (vii) This matter is one of concern. There is considerable confusion in the public mind between the role of PCC's and Chief Constables. This may have a direct bearing upon the low electoral turnout for PCC elections.

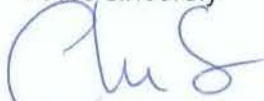
Given the vital role of operational independence and the political status of most PCC's this is an area requiring great care which has in the West Midlands been competently managed and in other parts of the country been generally successful.

The confusion exists with statutory partners; particularly those in local government whose Chief Executives do not have the same operational independence as the Chief Constable. It has also not been helped with subsequent guidance issued by government generally seeking to involve PCCs in local bodies, such as Health and Well Being Boards. This has seen both the Force and PCC represented simultaneously. The PCC's role is also unclear in the wider criminal justice context.

These matters have been made less transparent in some Forces, but again not in the West Midlands, where the Stage 2 transfer has accorded PCC's a very wide choice in the roles and functions that they retained within their corporation and those that moved to Chief Constables. Retention of functions such as IT and Estates restrict Chief Constables in managing their full services. Some PCC's hold police staff functions that directly deliver service to the public. Operations of functions such as the police press office by the PCC degrade the independent voice of the police in delivering their core role. As the PCC sets the Police and Crime Plan and has core responsibilities around the force's budget and its strategy the role is not as simple as one that provides the public voice and holds the Chief Constable to account and this is even less clear when they have a direct delivery role. The lack of precision in the parameters in stage 2 has accentuated this issue. I note that HMIC has no power to inspect the PCC and the functions they may operate.

- (viii) At this stage there are limited matters to report as the audit arrangements are new but I perceive an early and perhaps understandable tendency to look towards supporting the PCC given their oversight role.

Yours sincerely



Chris Sims
Chief Constable

Committee on Standards in Public Life

Local Policing – accountability, leadership and ethics

Response Form

Consultation Questions

The Committee has commenced an inquiry on the public accountability structures of the police. We are looking at the structures in place for ensuring ethical standards in the conduct and performance of Police and Crime Panels, Police and Crime Commissioners, and Chief Constables.

The Committee would like to hear your views. Please use this form to answer some or all of the questions in the Issues and Questions paper available at: https://whitehall-admin.production.alpha.gov.co.uk/government/uploads/system/uploads/attachment_data/file/360941/Police_Accountability_Structures_-_Issues_and_Questions_Paper.pdf

How to respond

Completed response forms should be sent by email to public@standards.gsi.gov.uk or by post to the Secretary to the Committee on Standards in Public Life GC05 1 Horse Guards Road, London SW1A 2HQ.

Name: Mr David Jamieson

Contact address: Office of the Police and Crime Commissioner, Aqua House, Birmingham

Postcode:

Contact Telephone: 0121 626 6060

E-mail: wmpcc@west-midlands.pnn.police.uk

Freedom of Information

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes. The relevant legislation in this context is the Freedom of Information Act 2000 (FOIA) and the Data Protection Act 1998 (DPA).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals amongst other things, with obligations of confidence. In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Committee.

The Committee will process your personal data in accordance with the DPA and in most circumstances this will mean that your personal data will not be disclosed to third parties. However, it is important for the evidence considered by the Committee to be open and transparent. All responses will be published along with the identity of the person or organisation making the submission, unless the Committee is satisfied both that there is a compelling reason for an exemption to be granted and that the integrity of the process will not be undermined.

Please tick the appropriate response:

- Are you responding:
- *as a member of the public*
 - *as a member of the police*
 - *on behalf of another organisation*

<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>

If you are responding on behalf of an organisation, please tell us your area of work, e.g police constabulary, regulator, trade union, think tank etc

Police and Crime Commissioner

Local Policing – accountability, leadership and ethics

Current Accountability Structures

Consultation Questions

Question 1:

Are there any gaps in the existing mechanisms for holding PCCs to account?

Comments

The most significant gap is around the election arrangements. PCC candidates can come from a political party or be independent –as long as they have the financial means to support a campaign and the required £5k deposit. Political parties provide a filter of candidates which they are bound to use in order to avoid reputational damage to the party. In the case of independent candidates there is no such filter. We have seen very low turnouts at the 2012 elections and also at the 2 by-elections. The danger is that a person of wealthy means could mount a substantial campaign and effectively buy their way in to the post. Once a PCC is elected, there is very little to restrict their activities. This is potentially dangerous as it could be abused by a wealthy individual seeking office on a single issue of interest, or even with a grudge.

It may be useful to have more formalised accountability mechanisms for PCCs such as a formal process to meet with local authorities on a regular basis or a formal means of accountability to members of the public – for example an annual meeting where members of the public could ask their questions.

Question 2:

What can PCCs do themselves to improve their accountability to the public in between elections? How well are these mechanisms working in practice?

Comments

The model adopted in the West Midlands is unique and is successful in improving accountability and transparency. We have a Strategic Policing and Crime Board made up of 7 members in addition to myself and the Deputy Police and Crime Commissioner. This Board meets twice each month, once in public to consider formal reports from the Force, and once informally to discuss emerging issues. The formal meetings are open to members of the public and all reports are published on my website. The meeting is an opportunity to discuss force performance, forward planning and other issues of topical interest

as well as discussing major decisions. The Board provides an advisory role to me. Board members also link to local geographic areas, providing a channel by which the public and partners can raise issues and concerns.

Question 3:

How are PCCs ensuring transparency in their decision making?

Comments

All major decisions are discussed by the Strategic Policing and Crime Board. This means that I receive a range of advice before making a decision, and also means that there is opportunity for the public to attend and observe the way the decision is reached. Decisions and supporting documentation are all published on my website.

The Specified Information Order places on commissioners a duty to publish agenda, reports and minutes of all meetings at which a Commissioner's decision making functions may be exercised.

As is the case in other areas, we are giving consideration to webcasting of Strategic Policing and Crime Board meetings as a mechanism to ensure transparency.

Question 4:

What information is being made available to the public to enable them to scrutinise the performance of their local police force and hold PCCs to account? To what extent is it easily accessible, understandable and reliable?

Comments

We have quarterly performance monitoring reports to the Strategic Policing and Crime Board which are all available to the public. In addition we have an annual performance report submitted to the Police and Crime Panel. Members of the public can use the police.co.uk to find information related to their own neighbourhood.

We will give consideration in the Police and Crime Plan to improving the publication of performance data via a web based portal.

All of our reports are published on the website and I encourage all reports to be written in plain English with limited jargon or acronyms.

Question 5:

What has worked best for PCCs in engaging with the public and local

communities?

Comments

It is important that local communities understand how the PCC works. I have a public engagement strategy which includes a series of Summit events on issue ranging from business crime to mental health. These events have enabled me to engage on relevant issues. The West Midlands is a large area, and I have found it useful to work closely with the 7 community safety partnerships in the area, and tap into their public engagement activities. As part of my funding arrangements I have required each area to establish a Local Policing and Crime Board with a minimum of 50% representation from local communities. Either myself or a member of my team attends all of their meetings and events to provide information on my activities and in return to gather information on what is happening locally

Central to the success of PCCs is the need to work in partnership with the statutory and voluntary sectors.

Question 6:

How well are Police and Crime Panels able to hold a PCC to account between elections?

Comments

The success of the panels is variable, and is largely dependent upon who local authorities choose to put on them. In the West Midlands the range of membership is strong, but this is largely a matter of luck. The reality is that the panels have very little in the way of real power to hold PCCs in check. This was demonstrated earlier this year in South Yorkshire, where, despite the views of the Police and Crime Panel, the PCC only resigned as a result of the pressure of public opinion – he effectively ignored the views of the Panel.

Question 6a:

Does the role of the Police and Crime Panel need any further clarification?

Comments

More publicity may be useful in some PCC areas. In the West Midlands, at the November Panel meeting for the first time we had questions submitted directly to the Panel by members of the public. The Panel meets in different locations which is good as it provides easier access should a member of the public wish to attend and also stops it from becoming too centralised.

Here in the West Midlands the current and former Commissioner has encouraged the Panel to undertake more in depth analysis of particular issues such as procurement, Safer Travel and stop and search. This approach supports more detailed scrutiny and assists the Commissioner in the development of policy.

Question 6b:

How well are the current “balanced”¹ membership arrangements ensuring effective scrutiny and support of PCCs?

Comments

Question 6c:

Are the current membership thresholds requiring a two thirds majority to veto a PCC’s level of precept and appointment of a Chief Constable proving practicable?

Comments

¹ Schedule 6 paragraph 31 PRSRA sets out the duty to provide a balanced panel. The “balanced appointment objective” referred to in this paragraph is the objective that local authority members of a police and crime panel (when taken together)—

- (a) represent all parts of the relevant police area;
- (b) represent the political make-up of—
 - (i) the relevant local authority, or
 - (ii) the relevant local authorities (when taken together);
- (c) have the skills, knowledge and experience necessary for the police and crime panel to discharge its functions effectively.

We have not appointed a chief constable since 2012.

The issue making setting a precept difficult is the late notification from the Department for Communities and Local Government of the precept referendum threshold.

Question 6d:

Should Police and Crime Panels have the power to veto PCC appointments of senior staff where they believe the criteria for suitability were inappropriate or not satisfied?

Comments

Question 6e:

How should PCCs be held to account for their standards of personal conduct? What role should Police and Crime Panels have in this?

Comments

Question 7:

Are the boundaries between the local roles and responsibilities of the PCC and Chief Constable being adequately communicated and understood by local communities? Is there evidence that they require any further clarification or guidance?

Comments

The line between operational matters and PCC governance is difficult for the public to understand and it is quite clear that they do not understand the nuances of operational independence. For example, I have on more than one occasion been referred to as the 'Head of the Police'. This is despite clear explanations in the election literature and other places. For the average member of the public, the distinction is blurred.

The fact is that the majority of members of the public are not sufficiently engaged or interested to take time to understand the boundary. This is really no different to the position for MPs or local councillors, where the public do not always understand the boundaries of the role and available powers. There are times when a member of the public has to understand the difference, for example if they wish to make a complaint, but otherwise I would question whether it would be a good use of resources to introduce further guidance or clarification.

Question 8:

According to the Financial Management Code, Audit Committees should 'advise the PCC and the Chief Constable according to good governance principles and to adopt appropriate risk management arrangements.' How well is this working in practice? Are there any examples of conflicts of interests arising from PCCs and Chief Constables having in some cases, a joint audit committee and/or a joint chief financial officer?

Comments

We do have a joint audit committee, but not a joint chief financial officer. The arrangement works well and I am not aware of any conflicts of interest that have occurred. The Chair meets with both the Chief Constable and myself to discuss arising issues.

Ethical Leadership

Consultation Questions

Question 9:

What do you see are the key responsibilities of PCCs as ethical leaders? Can you provide examples of PCCs managing those responsibilities well, or, if not, suggest what can be improved?

Comments

The public will only have trust and confidence in the police if they believe that the highest ethical standards are in place. PCCs must provide a message to the public that ethics are at the forefront of their strategy and the way in which they hold chief constables to account. In the West Midlands I require public reports from the Chief Constable at least 3 times per year on the work of the Professional Standards Department (which leads on implementation of the Code of Ethics), next year I shall hold in public a scrutiny session on police misconduct procedures, and I also take a close interest in current matters which may have an ethical dimension (eg high profile complaint or police misconduct cases).

Question 10:

What actions are PCCs taking to ensure that they and the police force they hold to account maintain the highest ethical standards and embed the Policing Code of Ethics? In particular how are PCCs and Chief Constables as leaders promoting and sustaining the core values of policing in the face of all the other pressures on the force? How are any obstacles being overcome?

Comments

Some PCCs have established an Ethics Committee. We have not done so in the West Midlands. It would be useful if this review could draw a comparison between PCCs who do have an Ethics Committee and those who do not, to help determine how productive such committees can be.

We maintain a programme of dip-sampling for complaints to check for

appropriateness and proportionality. Furthermore, we have been willing to undertake informl reviews of high profile cases that relate to ethics and standards in order to understand and challenge processes and judgements.

Question 11:

Is there sufficient transparency of propriety information from PCCs, for example published information on expenses, registers of interest, gifts and hospitality and external meetings?

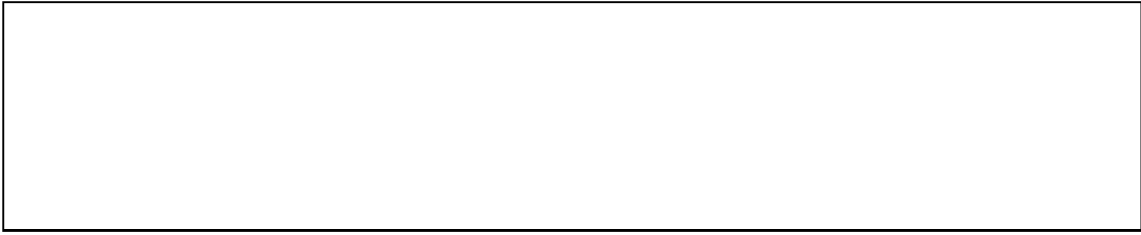
Comments

The gifts and hospitality register is maintained and is available for inspection by members of the public. The Specified Information Order requires PCCs to publish a range of information that helps to ensure transparency around ethics. Across the country there have been a number of media stories related to PCC expenses and remuneration. I think this demonstrates that the information is readily available in the public domain.

Question 12:

What measures have proved helpful in supporting PCCs to identify and resolve conflicts of interest in discharging their duties? Are there sufficiently robust protocols and guidance in place locally to manage these in a transparent way?

Comments



CONSULTATION

SUBJECT: LOCAL POLICING – ACCOUNTABILITY, LEADERSHIP AND ETHICS

DISTRIBUTION TO: OPCC

DATE: 20/11/14



Questions

i. Are there any gaps in the existing mechanisms for holding PCCs to account?

ii. What can PCCs do themselves to improve their accountability to the public in between elections? How well are these mechanisms working in practice?

iii. How are PCCs ensuring transparency in their decision making?

I fully endorse the ambition for local accountability in public services. Having a single 'go to' person for local communities to challenge and contribute to their local policing and criminal justice arrangements has unquestionably elevated the level of accountability and engagement when compared with the previous arrangements under police authorities (I was Chair of the West Yorkshire Police Authority and Chair of the Association of Police Authorities). However, there are some elements of a collective governance approach which could be incorporated into a PCC model.

Having the Police and Crime Commissioner directly accountable to their communities is probably the purest form of *electoral* accountability and offers the most direct relationship between the public and the police. While this electoral link is not necessarily coterminous with *democratic* accountability, the conspicuous and individual nature of the Police and Crime Commissioner's role invites a level of scrutiny of standards and conduct in a way not seen in many other public bodies. In contrast to almost every other local and national democratic arrangement, police and crime commissioners (PCCs) are elected into office with direct powers. By virtue of their election alone, PCCs hold significant administrative powers (all but a handful of which can be delegated to someone else¹) and can only be democratically removed every 4 years, or term of office (3 ½ years currently).

How far the arrangements for ensuring standards and wider accountability meet the needs of local communities is a question that has been thrown into sharp relief by recent events, particularly those arising from the developments in South Yorkshire. However it is worth recognising that, in the much publicised case of the Police and Crime Commissioner for South Yorkshire, it was *public pressure* that eventually caused him to vacate the post, even though the conduct complained of had taken place before there were police and crime commissioners. While it might have been a protracted and unedifying episode, the South Yorkshire experience stands as an example of the ultimate power of public accountability. Had a power of recall been available, this might have reduced the delay but it is unclear where this power might have been most or more effectively placed. However, I do not believe that inserting another public body - such as the Police and Crime Panel - would produce increased accountability.

It is clear, nevertheless, that the system of governance for policing and crime needs further development in light of experience. In my view the current three tier arrangements for policing governance are not fit for their intended purpose. The key relationship in policing, for example, must be that which exists between the elected and democratically accountable office holder (the Police and Crime Commissioner) and the relevant operational lead (the Chief Constable). The role of the Police and Crime Panel creates frustration as they will, not unnaturally, want to scrutinise the activities of the police and, finding themselves unable to do so, may end up doing this remotely or at once removed via the Police and Crime Commissioner, creating a real risk that panels become *de facto* police authorities.

The arrangements for public assurance are further confused by the role of HM Inspectorate of Constabulary who have an inexplicably narrow remit and no direct democratic accountability. Given that there are almost no community outcomes for which the police alone are responsible, it makes no sense in my view for there to be a singular inspection body which examines and reports - with increasing frequency and bureaucracy - against the very one-dimensional focus of police activity. It is my firm belief that the governance and scrutiny mechanisms for policing and crime require revision, probably in a way that reduces the number of agencies and bodies involved and certainly in a way that better reflects the role of Community Safety Partnerships and the interdependencies of our safeguarding activities. It is against that background that I make the following observations.

iv. What information is being made available to the public to enable them to scrutinise the performance of their local police force and hold PCCs to account? To what extent is it easily accessible, understandable and reliable?

On a quarterly basis I publish performance information, which is placed on my website and is provided to the Police and Crime Panel for them to ask me about performance and what is being done to address any issues. There are two separate elements to this. The first is a set of one-page reports on each of the performance indicators set out in my Police and Crime Plan. These reports contain trends over time (including graphs and tables), issues raised and actions taken. The second is a report that sets out any other performance issues raised by me on a quarterly basis with the Chief Constable. Again this covers issues raised and actions taken. These reports have developed over time and have included input from Police and Crime Panel members to help make them easy to read and understand, and to contain useful information for our communities. Ultimately the Police and Crime Plan is the first point reference for the public to hold me to account on what I have pledged to do, this is easily accessible both in paper and electronic format. On my website, all HMIC inspection reports can be found along with my responses to them. This offers the public the chance to see in depth findings and key recommendations relating to the force. However I do think it is important to remember that HMIC inspections only focus on the policing element of my role, and for this reason I also publish my annual reports which details the progress that my office has made in the previous 12 months in all areas of my responsibility.

To compile these reports information is received from the police force but also my office also use independent information in order to challenge performance and collate meaningful reports. Since issues around data integrity have arisen, performance information is considered alongside incidents and crime recording standard compliance rates where available.

v. What has worked best for PCCs in engaging with the public and local communities?

I have put engaging with the public and local communities at the heart of key areas of my work and have also worked closely with statutory, community and voluntary partners who also represent the public and communities. The OPCC has a dedicated engagement team which has gained experience and knowledge as to what works best in this area; below is a few examples of successful engagement.

Public awareness and engagement

- For the period 22 November 2012 to 30 June 2014 the PCC has visited 274 projects/people in communities and localities. While not specific events organised by the PCC, these do provide an opportunity for members of the public and some service users to ask the PCC questions.
- The PCC has also met partners on 310 occasions.
- The OPCC receive around 100 pieces of casework each month. The total number received for October 2013 to September 2014 was 1,111.
- Victim satisfaction stands at 88.7% for the 12 months to September 2014, which is up from 88.0% for the 12 months to September 2013.
- Youth Advisory Group – 42 young people aged 13-21 representing the diverse community of West Yorkshire engaging with the PCC on Police and Crime and Disorder related issues in particular this year, CSE, Road Safety and Hate Crime.

Website and Social Media

- Account on Facebook, Twitter, Instagram and Flickr
- Current followers on Twitter = 4000+
- Current likes on Facebook = 374
- 53,989 visits to the OPCC website
- On average they spend 2 minutes 24 seconds on the website.
- Monthly newsletter
- Web Chats – Neighbourhood Watch, listen to you first and Community Conversation

Recent Surveys:

Feelings of safety survey:

Over the last 12 months the OPCC has worked with the University of Huddersfield to draft a questionnaire to try to measure feelings of safety. The questionnaire incorporates several elements that could affect feelings of safety, including whether the respondents or those close to them have been victims, how they receive information about crime, and what they perceive to be problems. Piloting has taken place leading to amendments to the questionnaire, which was distributed across West Yorkshire in October 2014. This should establish a baseline for future years. We are also keeping track of media stories around the time the questionnaire has been distributed as this may provide context to some of the responses received.

The OPCC also sends out monthly Public Perception Surveys which measure the changing feelings of the communities being served by West Yorkshire Police covering everything from whether residents feel ASB is rising or falling to police visibility. We receive on average 12,500 of these each month and have an extensive database which is analysed and feeds into wider performance work.

Community Conversation:

Following on from the Listening to you first programme in 2013, I recently launched the survey aims to ensure that the views, needs and expectations of our communities are taken into account and that we work to meet the priorities of people and their families who live and work across the county.

Initiatives and Engagement:

Help for Victims website

A website solely dedicated to victims and witnesses of crime has been created and launched by the Police and Crime Commissioner, Mark Burns-Williamson www.helpforvictims.co.uk.

With the introduction of the Help for Victims website victims and witnesses across the country will be able to access impartial and independent information including all the information contained within the Victims' Code and the Witness Charter in a question and answer format. For victims in West Yorkshire there are individual pages dedicated to over 400 local organisations for self-referrals to specialist victim and witness services beyond the website. The website provides answers within a time frame of 24 working hours to questions relating to the Victims Code and content of the site and will be provided in IOS and Android App format. As well as English, the site has been translated into the five most frequently spoken languages in West Yorkshire, Gujarati, Urdu, Punjabi, Arabic and Polish.

Safer Communities Fund

Mark Burns-Williamson launched the Safer Communities Fund (SCF) on Friday 14 Feb 2014 which sees up to half a million pounds a year in criminal assets being delivered back to communities. The fund sees 50% of the money seized from criminals under the Proceeds of Crime Act invested back into the communities that suffered such criminality in the first place. The fund has now distributed over 123 grants and £567,000 to voluntary groups, community groups, charities and partner organisations to enable people to continue their good work with our communities. However, the fund is not just about money it is about truly identifying, understanding and engaging with those groups who are working with our communities not only during the delivery of their projects, but also long after the expiration of their grant.

Human trafficking

As a result of consultation with partners which included the community and voluntary sector and in particular West Yorkshire Police, the PCC held an event in Leeds on the 8 April 2014 to increase awareness of human trafficking. Over 100 delegates attended the event from over 30 different public and third sector organisations and speakers from West Yorkshire Police, the Salvation Army and Hope for Justice contributed important information to increase people's awareness. Wakefield Safeguarding Children's Board have embarked upon awareness sessions within Wakefield District and increased awareness across 114 delegates from a range of services and agencies operating within the district.

The PCC has also been successful in a bid from the Ministry of Justice for £200,000 to set up an Anti-Trafficking Network. The network will deliver through three distinct pillars;

- a) A West Yorkshire Anti Trafficking Network: To bring together police, charity, non-governmental organisations and community workers to co-ordinate resources and services across West Yorkshire
- b) Training and Awareness: The project will raise awareness about how to spot victims and how to deal with the victims through specialist high quality training packages.

- c) Cope and recover: The establishment of a specific legal team to support the longer term need to securing housing and welfare applications.

Furthermore, the PCC is leading a call to create a National Working Group between Police and Crime Commissioners to address human trafficking Issues and West Yorkshire Police have secured funding to set up a designated Human Trafficking Unit to solely investigate trafficking in human beings which will be only the third Human Trafficking Unit nationally.

Child Sexual Exploitation

The PCC held a summit on Child Sexual Exploitation (CSE) in July 2013. The event saw key partners which included the Prosecution Service lead on CSE, Nazir Afzal, senior leaders from across the county and national organisations working to tackle CSE in West Yorkshire.

Following on from this event the PCC sponsored a conference organised by West Yorkshire Police which involved 'The County Group' who lead on CSE issues at a West Yorkshire Level. The practitioner focused conference was an opportunity to disseminate skills and knowledge to those people most engaged in this work on a day to day basis, helping to establish a better shared knowledge of the most effective multi-disciplinary practise. The PCC has sought to secure long term commitment of national funding for services around CSE, specifically for those affected by on street grooming. He has also lobbied the Secretary of State on this issue and the need for specialist courts.

Since the publication of the Rotherham Report and as a continuation of the PCCs ongoing work on Child Sexual Exploitation, the PCC brought together experts in safeguarding children to discuss how CSE can be tackled better in West Yorkshire going forward.

The PCC has also made an extra £3.5m available to the police for increased capacity to deal with CSE, Human Trafficking and Cyber Crime and is currently awaiting a bid from Directors of Children Services and the Child Safeguarding Board to initiate further work in West Yorkshire on Child Sexual Exploitation.

Hate Crime

- The PCCs and CC's joint Hate Crime Campaign launched on 13/10/14. The key messages are in line with the PCCs commitments. Fundamentally the campaign covers:
 - Being different is not a crime. Living without the fear of being abused or attacked because of who you are is a basic human right.
 - Hate crime is a crime committed against you because of your race, sexual orientation, religion, disability or gender identity.
 - Hate crime is verbal abuse, harassment, threats, intimidation, physical abuse, vandalism to property, graffiti, and offensive postings on social media sites, texts or emails.
 - The PCC and WY Police are committed to tackling all hate crime.
 - We are also interested in hearing about non-crime hate incidents. Recording these helps to monitor patterns so resources can be targeted to where they are needed.
 - Raise awareness of what a hate crime is - ask people to tell us about their experiences of hate incidents.
 - Promote a new online reporting system for non-emergency hate incidents.
 - Put victims at the heart of hate crime
- The PCC will also be undertaking consultation with key partners before the end of December 2014 to establish a basis for quality hate crime provision across the County.

Partnership Working

One of the first decisions the PCC made when he took office in November 2012 was to structure the Police and Crime Plan 2013-18 around a community outcomes framework that had been developed by partners to plan for and deliver improved services. This was to ensure that from the outset the activities of the OPCC and other partners were co-ordinated and focused on working towards a coherent set of collective outcomes to the benefit of all our communities across West Yorkshire.

These shared outcomes developed in partnership can only be delivered in partnership. To ensure closer partnership working and delivery at a strategic level he established in the first week of taking office the Partnership Executive Group (PEG). This is a bringing together of key strategic players at West Yorkshire level. These are the leaders across the

system who need to work together to deliver the outcomes in the Police and Crime Plan, using limited resources in the most effective way possible, managing change and fulfilling reciprocal duties in current legislation. As well as the Police it includes the Crown Prosecution Service, the five Councils including public health, the NHS, the prison and probation services, the Fire Service and the third sector. The remit of the PEG is to establish how by working together we can identify solutions that work in West Yorkshire to reduce crime and disorder, improve community safety and ensure the effectiveness and efficiency of criminal justice services.

The PCC sits on the LCJB and has met with the chairs of the health and wellbeing boards.

As a general note; one benefit of changing from a police authority to a PCC means that there is more flexibility for PCCs to respond to public problems and issues when they are raised in public; PCCs can make many decisions more quickly and easier than if each issue had to be brought before a committee. This ultimately means that we can be seen making a difference to individuals in a much more reasonable time.

vi. How well are Police and Crime Panels able to hold a PCC to account between elections?

It is not a statutory function of the Police and Crime Panel to “hold the Police and Crime Commissioner to account”. The Police and Crime Panel must review or scrutinise decisions made, or other action taken, by the police and crime commissioner in connection with the discharge of the commissioner’s functions¹ and must exercise the functions in schedules 1, 5 and 8 of the Act. The Police and Crime Panel must exercise its functions with a view to supporting the effective exercise of the functions of the police and crime commissioner for that police area¹. Ultimately, it is the electorate that holds the Police and Crime Commissioner to account, and the panel’s responsibility to scrutinise and support.

Experience in other jurisdictions has shown that a presidential model of governance calls for a “healthy system of checks and balances”, if stable, responsible, representative governance is to be achieved and public confidence maintained². In Parliament the Upper House has developed out of democratic necessity to keep watch over policy produced by the party political process but this is not what the electoral provisions for PCCs have created. The observation of the Wakeham Commission that “..it is rarely possible to interpret a general election result as evidence of clear public support for any specific policy” is not directly applicable in the setting of elected PCCs, though one could argue that the level of turnout in PCC elections so far makes the same point.

The challenge then is how to create the right level of checks and balances around the PCC model while avoiding the creation of some second chamber that suffocates the principal benefits of the PCC model with committeeism and bureaucracy and confuses the direct ‘line of sight’ accountability mechanism between the electorate and the office holder.

a. Does the role of the Police and Crime Panel need any further clarification?

There is evidence of confusion about the Police and Crime Panel’s functions and role among the police, the public and – at times – the Panel itself. Aside from the very specific role that the Police and Crime Panel has in relation to allegations of non-criminal conduct by the Police and Crime Commissioner or the Deputy Police and Crime Commissioner – as to which see below) the level of public engagement with panels appears to be scant. While their meetings are held in public and advertised in advance, the Police and Crime Panel attracts few if any members of the public to its meetings, with the few who do attend generally being drawn by individual complaints. In addition to this, further guidelines as to how the panel should scrutinise and support could be useful.

Further recent developments have created further confusion. For example, the “devolution agreement” in Greater Manchester³ proposes to subsume the role of the Police and Crime Commissioner within a much wider local mayoral arrangement. Whether it is now government policy to make this proposed variation on the governance model for policing and crime available to communities in other police areas is unclear even to me as Police and Crime Commissioner and I make no observations on the Greater Manchester Agreement other than to raise the dynamic - and

¹ Police Reform and Social Responsibility Act 2011 s.28(2)

² See e.g. Sargentich, T., *The Presidential and Parliamentary Models of Government* The American University International Law Review 1992/3 Vol 8 pp 579-592

³ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/369858/Greater_Manchester_Agreement_i.pdf

therefore uncertain and increasingly complex – context in which public engagement and democratic accountability is taking place.

I believe our communities are entitled to reassurance, responsiveness and responsibility in the governance of their policing. This requires transparent, efficient and effective mechanisms that are:

- i) conducive to, and consonant with, the local government arrangements for the area;
- ii) endowed with proportionate powers and subject to appropriate duties;
- iii) supported by necessary resources and capable of providing an appropriate level of local scrutiny.

To this extent the Greater Manchester model makes sense for some police areas but not all.

- a. ***How well are the current “balanced” membership arrangements ensuring effective scrutiny and support of PCCs?***
- b. ***Are the current membership thresholds requiring a two thirds majority to veto a PCC’s level of precept and appointment of a Chief Constable proving practicable?***
- c. ***d. Should Police and Crime Panels have the power to veto PCC appointments of senior staff where they believe the criteria for suitability were inappropriate or not satisfied?***

I have no observations on a. and b.

As to c, the ‘senior staff’ of the Police and Crime Commissioner generally means the statutory officers, namely the Deputy Police and Crime Commissioner, the chief executive and the chief finance officer. The first of these is a unique role, being free of the two key statutory restrictions that apply to other senior local government staff including the Police and Crime Commissioner’s chief executive and chief finance officer. These restrictions are the requirement to be appointed “on merit”⁴ and the disqualification and political restriction of certain officers and staff imposed by the Local Government and Housing Act 1989⁵. While the clear intention of Parliament in enacting the legislation in this way was to free up the Police and Crime Commissioner to appoint a special advisor⁶, I chose to run a competitive appointment process before choosing a deputy and thought that the position was necessary given that West Yorkshire is the 4th largest force and covers a population of over 2.2 million. However, the role is not what I would call a conventional deputy and would suggest an option to elect a PCC and Deputy on a joint ticket in the future.

The other two posts (chief executive and chief finance officer) are critical, not only to the effective management of their Police and Crime Commissioner’s strategic planning and executive functions, but they also play a key role in ensuring the probity and regularity of the management of the Police and Crime Commissioner’s affairs. These post holders are also able to provide continuity across changes in the Police and Crime Commissioner although it is too early to tell how effectively this will happen. While it is critical that these posts are filled by people with the proper qualifications and experience – a matter in which the Police and Crime Panel have some limited oversight – it is difficult to see how the important working relationships could be achieved if the Panel was in a position to veto the Police and Crime Commissioner’s choice. It is also difficult to see how, practically, any such veto might work (for example, how many times might it be deployed? Against what criteria would the panel interpose themselves between employer and potential employee and how would they be reliably assessed? Etc.). Such a power would also be inconsistent with the statutory functions of scrutiny and support that panels currently have and would accelerate the ‘creep’ towards *de facto* police authorities described above.

The Committee may wish to examine how confident the incumbents of these key statutory roles feel in discharging their duties and how far they provide reassurance and impartiality in the eyes of the police, partners and the public⁷.

⁴ Section 7 of the Local Government and Housing Act 1989, removed in the case of the Deputy Police and Crime Commissioner by the Police Reform and Social Responsibility Act 2011 sched 1, para 8(4)

⁵ s.1 – the Deputy Police and Crime Commissioner is expressly excluded.

⁶ A point expressly confirmed by the policing minister at the time

⁷ The Association of Policing and Crime Chief Executives and the Police and Crime Commissioners’ Treasurers’ Society would be able to assist if required.

e. How should PCCs be held to account for their standards of personal conduct? What role should Police and Crime Panels have in this?

There are some considerable difficulties with the arrangements for complaints about a Police and Crime Commissioner and these include, but are not exclusive to, the role of the Police and Crime Police and Crime Panel. First, the relevant legislative framework governing these areas is simply a retro-fitted version of the extant regulations that have blighted matters governing the recording, investigation, determination and resolution of police conduct matters. This legislation and the process underpinned by it are the subject of a significant review by the Home Secretary (in which my staff have been directly involved) and I would welcome early discussion of how these arrangements are to be improved for PCCs at the same time. Further observations about the complaints and conduct framework are included below.

The role of the Independent Police Complaints Commission (IPCC) is also ill suited to the prompt, participative and proportionate resolution of complaints about PCCs and their deputies (there is something incongruous about appointed and unelected commissioners investigating the alleged conduct of publicly elected ones) while the binary distinction between allegations framed in a way that suggests serious (criminal) conduct and all other matters creates difficulties for the police and panels alike.

In terms of other measures for regulating conduct, Parliament required all PCCs to appoint a statutory chief executive and provided for this person to be the Police and Crime Commissioner's monitoring officer⁸. This is a key role derived from local government but, in the context of the Police and Crime Commissioner, it has very few express responsibilities within the context of PCC complaints; this is an area that could usefully be reviewed.

In addition, as Chair of the Association of Police Authorities, I joined with the Chair of the Association of Police Authority Chief Executives in inviting the minister to consider requiring all elected PCCs to declare an oath before taking up office. Having addressed the legal arrangements by which this could be achieved⁹ and after consulting on draft wording, we jointly submitted the proposed oath which was accepted by ministers and which was subsequently made part of the statutory attestation process for all PCCs. This oath is reproduced at the end of this response, along with the attendant correspondence. In my view the importance of both the public declaration of the oath and the application of its content has been borne out over the first two years of the new governance arrangements and these should be given greater prominence in the future.

vii. Are the boundaries between the local roles and responsibilities of the PCC and Chief Constable being adequately communicated and understood by local communities? Is there evidence that they require any further clarification or guidance?

My experience has been that the boundaries between these two individuals are not clearly understood outside the police service. During the passage of the Bill it was made very clear to ministers that the public would be confused about the boundaries - and therefore about what it was they were being asked to vote for. The approach of the news media has predictably ignored the constitutional and legal boundaries between these positions and it seems that scarcely has a day passed since November 2012 when there has not been a headline about the local "police chief", "crime Tsar" or similar description referring to the Police and Crime Commissioner. Similarly the casework coming into my office has revealed a lack of understanding, not only about the boundaries in relation to the Chief Constable but also the inter-relationship between the PCC and the courts and wider criminal justice system.

viii. According to the Financial Management Code, Audit Committees should 'advise the PCC and the Chief Constable according to good governance principles and to adopt appropriate risk management arrangements.' How well is this working in practice? Are there any examples of conflicts of interests arising from PCCs and Chief Constables having in some cases, a joint audit committee and/or a joint chief financial officer?

I have not experienced any conflict of interests as described; in fact, if anything, the Scheme of Delegation and Consent that I signed with the Chief Constable has been helpful in clarifying arrangements for the force and third parties when entering into financial or contractual relationships with us.

⁸ See Police Reform and Social Responsibility Act 2011, sched 16, para 201

⁹ By incorporating it within the declaration of acceptance by the successful candidate as required by s.70 of the Act

I have been clear – as has the Chief Constable – that our respective chief financial officers should be separate and both have worked closely and effectively in meeting their (and my) statutory obligations.

The joint independent audit committee has worked well and the chair both attends and receives reports from my Good Governance Group which is chaired by my chief executive/monitoring officer. I am not a member of either the committee or the group.

Other questions

ix. What do you see are the key responsibilities of PCCs as ethical leaders? Can you provide examples of PCCs managing those responsibilities well, or, if not, suggest what can be improved?

I regard the key responsibilities of PCCs as being the same as those of any elected public office holder. As stated above, they work within a statutory framework whereby their senior staff have overarching obligations to ensure probity and regularity, they are subject to normal public law remedies and a system (albeit flawed) of complaints and conduct investigation.

One of the areas of policing that matters most to communities (and perhaps the Committee) is that of complaints. I would like to be able to address local concerns about the police in a prompt, proportionate, realistic and meaningful way, involving the person who raises the complaint and bringing about a sensible resolution. The public expect this too and I imagine they would expect complaints about PCCs to be approached in the same way. However, the roles of the IPCC and the Panel in complaints about PCCs are problematic, while the role for PCCs in addressing complaints about the police has been reduced from that of the authorities that preceded them. The people responsible for policing governance must have meaningful powers within a correlative legal framework to address complaints - made to them or about them - promptly and proportionately in a way that allows meaningful involvement by the person aggrieved and engenders confidence that things will be improved as a result while avoiding the litigious and adversarial culture that police have grown up with.

x. What actions are PCCs taking to ensure that they and the police force they hold to account maintain the highest ethical standards and embed the Policing Code of Ethics? In particular how are PCCs and Chief Constables as leaders promoting and sustaining the core values of policing in the face of all the other pressures on the force? How are any obstacles being overcome?

The recent HMIC PEEL Police Integrity and Corruption report found that “*The force reviewed and changed the gifts and hospitality policy in February 2014, and since 2012 has replaced local hard copy records with an electronic system. Oversight of the policy is owned by PSD and the recently established compliance unit is responsible for checking gifts and hospitality offers on the record. The force policy provides that acceptance of any such offers which exceed a value of £25 must be authorised by the PCC.*” It also made some recommendations as to improve this process in the future which mainly stem from transparency, which the PCC and force will be working closely to implement.

xi. Is there sufficient transparency of propriety information from PCCs, for example published information on expenses, registers of interest, gifts and hospitality and external meetings?

Transparency is crucial in any public office and as such the OPCC provides records of all of my expenses, meetings, hospitality and gifts on the OPCC website for the public to view. This record is updated on a monthly basis and audited regularly. In addition to this, I made arrangements with the force shortly after my election for my office to be provided with a vehicle confiscated from a criminal in West Yorkshire. Not only has this provided a very low cost capability for my staff to travel without incurring expenses; it is also entirely consistent with my ongoing campaign to maximise seizure of assets used by criminals and use them conspicuously for the benefit of local communities.

xii. What measures have proved helpful in supporting PCCs to identify and resolve conflicts of interest in discharging their duties? Are there sufficiently robust protocols and guidance in place locally to manage these in a transparent way?

Speaking for the arrangements in West Yorkshire I believe the following arrangements have proved helpful:-

The Good Governance Group (see details attached)

The arrangements for the Internal Audit function, the Joint Independent Audit Committee and meetings with the external auditor and the planned expansion of the Committee's remit to become an Ethics Committee with wider membership and engagements with communities

The role of General Counsel exercised by my office under the Scheme of Delegation – this means that any matters involving the institution, defence, settlement or compromise of legal proceedings arising from policing in West Yorkshire must be reported to my office.

Regular scheduled meetings between my staff and officers of the Police and Crime Panel and the IPCC.

Conclusion

The legislation introducing PCCs relies upon cross-partner impact/assumptions but the remainder of the legislation governing key partnership arrangements (prosecution, probation, local safeguarding, health, education etc.) at local, regional and national levels has not materially changed and the lack of clarity between different bodies such as the Police and Crime Panel is confusing. The more we break up public services across different bodies with different functions the more fragmented the service will be at the point of delivery, which is the point our communities most care about. Having democratically elected advocates in charge of governance of key public services can help in terms of giving greater legitimacy to those making decisions around funding and prioritising but unless they also have the scope to exercise that legitimate mandate they risk being constitutional ornaments. The precepting powers of PCCs are hedged round with statutory controls that give them a tiny margin of latitude. The same is true of their other powers relating to, for example, the brigading of other agencies towards shared outcomes.

The profile of the PCC has been - anecdotally at least - higher than that of police authorities (though partly for the wrong reasons). The press approach to the role has been unhelpful and has furthered confusion between the role of chief police officer and mayor/city manager/sheriff. However, the 'post bag' of PCCs has grown exponentially from that of their predecessors and to this extent visibility and having a person to whom people may go to raise concerns/views/suggestions around policing have been greatly improved.

Inspection towards improvement of outcomes is a key part of public service provision. I believe that in this respect the role of HMIC is hopelessly narrow and anachronistically disconnected. To have a police-only inspection that is prevented from focusing on anything but the statistical performance of one contributor is counterintuitive and counterproductive, even if HMIC were truly independent of central government and were acting as agents of the elected PCC. That HMIC is also growing at a time when the single service it purports to inspect is shrinking at an alarming rate is difficult to explain, still less defend. Any meaningful inspection and audit programme must have as its starting point the intended outcomes against which it is examining, one strand of which must be ethics and standards. If the primary purpose of inspection is assurance and improvement, the recipients of the inspection reports should surely be those who are accountable and responsible for governance of the services under scrutiny. What is required, in my view, is a combined inspection and audit capability that is understood by and accountable to the local communities that rely on the combined service outcomes it examines. The remit of such inspection and audit might usefully include complaints and conduct matters along with ethics, good governance and standards in public life. A revised (not necessarily greater) involvement of panels might assist in integrating the PCC into the machinery of local governance of public services but not in a way that isolates the PCC.

I hope that these observations have been helpful and look forward to reading the report of the Committee in due course.

Appendices

Oath for Police and Crime Commissioners and related correspondence

**WEST YORKSHIRE POLICE
AND CRIME COMMISSIONER**

I, *Mark Burns-Williamson*
of *Castleford*
do hereby declare that I accept the office of Police and Crime Commissioner for West Yorkshire.


In making this declaration, I solemnly and sincerely promise that during my term of office:

- I will serve all the people of West Yorkshire in the office of Police and Crime Commissioner.
- I will act with integrity and diligence in my role and, to the best of my ability, will execute the duties of my office to ensure that the police are able to cut crime and protect the public.
- I will give a voice to the public, especially victims of crime, and work with other services to ensure the safety of the community and effective criminal justice.
- I will take all steps within my power to ensure transparency of my decisions, so that I may be properly held to account by the public.
- I will not interfere with the operational independence of police officers.

Declared this 16th day of November 2012

Before me *M. B. Williamson* *[Signature]*

Proper Officer, Wakefield Metropolitan District Council, as designated by The Police and Crime Commissioner Elections (Designation of Local Authorities) (No 2) Order 2012



Fraser Sampson
Chief Executive & Solicitor
West Yorkshire Police Authority
01924 294006 (27206)
Telephone: 01245 291644
Fax: 01245 291601
E-mail: FS1@wypa.pnn.police.uk
APACE E-mail:
mark.sayer@essex.pnn.police.uk
Date: 11 January 2012
Direct telephone : 01924 294006



The Rt Hon Nick Herbert MP
Minister of State for Policing and Justice
2 Marsham Street
London SW1P 4DF

7 January 2012

Dear Minister

Police and Crime Commissioners – Assurance and Attestation

The APA and APACE have been working closely together to ensure a positive and seamless transition from the existing governance arrangements to those prescribed in the Police Reform and Social Responsibility Act 2011. As we move from consideration of the broader conceptual areas to some of the more practical outputs that will be needed, a number of proposals have begun to emerge. One such proposal is for a form of attestation of the local Police and Crime Commissioners (PCC) before taking up office.

You will be familiar with the concerns expressed by many stakeholder groups about the objectivity of PCCs in implementing their specific local policies within the overarching expectations of their wider public office. In other words how they will balance their manifesto with their mandate.

This balancing requirement, of course, applies to all individual holders of public office including police officers. One way in which this can be both signaled and achieved is by a requirement for individuals to swear an oath of office before taking up their role. It is our collective view that having such an oath for PCCs would provide a number of immediate and obvious benefits. First it would send a powerful message to their local communities, their partners and their colleagues in the police service. Secondly it would remind successful candidates of the public expectations attending their accession to a responsible position and would commit them personally to meeting an appropriate standard of conduct. Finally the ceremony itself would be highly symbolic and mark a positive foundation for their administration, something that we believe will be of particular importance in the first tranche of elections.

As you will be aware, Parliament has (by virtue of s.70 of the Act) required all elected PCCs to sign a statutory declaration before they can begin to discharge their duties and functions. The manner and form of the declaration is to be prescribed by the Secretary of State in the form of regulations and can involve a local magistrate.

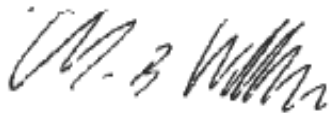
It strikes us that this provides an ideal opportunity for the Government to set the tone for

the new PCCs and for the PCCs to pledge themselves to a higher purpose and a set of principles that sit above any specific interests or policies.

The content of the oath would require careful consideration and would probably incorporate some of the other standards and aspirations set out in other relevant documents (such as the Nolan Principles and the Official Secrets Act 1989).

We have raised this suggestion in a number of settings with officials and sincerely hope that you will give it serious consideration. We remain positive about the prospects of a successful transition and look forward to working with you in 2012.

Yours sincerely



Councillor Mark Burns-Williamson OBE
Chair, Association of Police Authorities



Fraser Sampson
Chair, Association of Police Authority Chief Executives

Terms of Reference for Good Governance Group

Good Governance Group

Meets quarterly

Chair – Chief Executive & Solicitor, OPCC

Members

Chief Finance Officer/Treasurer for Police and Crime Commissioner

Chief Finance Officer for the Chief Constable

Deputy Chief Constable - Lead for HR, Conduct & Discipline

Legal Services Manager

Head of Insurance & Risk

Head of Internal Audit

OPCC Business Services Manager

Standing invitation to Chair of Independent Joint Audit Committee

Terms of Reference:

Major functions:

Governance and Compliance – Ensuring the effective and efficient working of the new legislative framework and compliance with all statutory obligations and responsibilities.

Monitoring Officer functions - Assisting the Monitoring Officer to discharge the functions of that role under the provisions of the Local Government and Housing Act 1989.

Legal Services – Overseeing litigation handling, dispute resolution and discharging the role of general counsel.

Ensuring compliance and promoting integrity - Ensuring ethical compliance, promoting values and behaviours set out in the Nolan Principles for standards in public life. Controlling and monitoring litigation affecting or involving the policing of West Yorkshire, ensuring relevant lessons are learned and picking up any conduct compliance matters from the Police Reform Act 2002 in accordance with the recommendations of the Legacy Report of the West Yorkshire Police Authority's Audit & Risk Committee. Promoting accountability, integrity, compliance and ethical standards across the work of the Office of the Commissioner and the police. Ensuring Section 151 compliance.

Committee on Standards in Public Life

Local Policing – accountability, leadership and ethics

Response Form

Consultation Questions

The Committee has commenced an inquiry on the public accountability structures of the police. We are looking at the structures in place for ensuring ethical standards in the conduct and performance of Police and Crime Panels, Police and Crime Commissioners, and Chief Constables.

The Committee would like to hear your views. Please use this form to answer some or all of the questions in the Issues and Questions paper available at: https://whitehall-admin.production.alpha.gov.co.uk/government/uploads/system/uploads/attachment_data/file/360941/Police_Accountability_Structures_-_Issues_and_Questions_Paper.pdf

How to respond

Completed response forms should be sent by email to public@standards.gsi.gov.uk or by post to the Secretary to the Committee on Standards in Public Life GC05 1 Horse Guards Road, London SW1A 2HQ.

Name: CC Geenty

Contact address: Devizes Police HQ, London Road, Devizes

Postcode: SN10 2DN

Contact Telephone: [REDACTED]

E-mail: [REDACTED]

Freedom of Information

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes. The relevant legislation in this context is the Freedom of Information Act 2000 (FOIA) and the Data Protection Act 1998 (DPA).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals amongst other things, with obligations of confidence. In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Committee.

The Committee will process your personal data in accordance with the DPA and in most circumstances this will mean that your personal data will not be disclosed to third parties. However, it is important for the evidence considered by the Committee to be open and transparent. All responses will be published along with the identity of the person or organisation making the submission, unless the Committee is satisfied both that there is a compelling reason for an exemption to be granted and that the integrity of the process will not be undermined.

Please tick the appropriate response:

- Are you responding:
- *as a member of the public*
 - *as a member of the police*
 - *on behalf of another organisation*

<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

If you are responding on behalf of an organisation, please tell us your area of work, e.g police constabulary, regulator, trade union, think tank etc

Wiltshire Police

Local Policing – accountability, leadership and ethics

Current Accountability Structures

Consultation Questions

Question 1:

Are there any gaps in the existing mechanisms for holding PCCs to account?

Comments

Yes there are gaps and accountability is weak.

The police and crime panel should better scope / powers to review and comment on decisions.

Thresholds are too high intervene, eg no power to suspend a PCC.

Police and Crime Panels should be restructured on a regional basis.

Question 2:

What can PCCs do themselves to improve their accountability to the public in between elections? How well are these mechanisms working in practice?

Comments

PCC's could publish more detailed decision logs and document the rationale behind their decisions

PCC's could publish opinion polls

The mechanisms work if the PCC is competent

Question 3:

How are PCCs ensuring transparency in their decision making?

Comments

PCC's provide limited encouragement / invite to challenge / influence to their decisions.

Accountability is too weak with no independent review of decisions.

Question 4:

What information is being made available to the public to enable them to scrutinise the performance of their local police force and hold PCCs to account? To what extent is it easily accessible, understandable and reliable?

Comments

PCC plans, documents, budgets, policies and decisions for the Wiltshire OPCC are comprehensive and easily accessible.

Question 5:

What has worked best for PCCs in engaging with the public and local communities?

Comments

The Wiltshire PCC is highly committed and has undertaken significant engagement and visibility events with variable success and attendance. Eg good engagement for specific areas eg rural crime / watch schemes and poor engagement from the general public at eg meet the commissioner events.

Question 6:

How well are Police and Crime Panels able to hold a PCC to account between elections?

Comments

**There are gaps and accountability is too weak with no power to suspend a PCC.
The police and crime panel should have the power to review and comment on decisions**

Question 6a:

Does the role of the Police and Crime Panel need any further clarification?

Comments

Yes – to ensure they have the power to scrutinise decisions and manage challenge / performance.

Question 6b:

How well are the current “balanced”¹ membership arrangements ensuring effective scrutiny and support of PCCs?

Comments

The Wiltshire PCP covers the Wiltshire Police area. It is made up of 11 panel members and two independent co-opted members and meets four to six times a year at locations across the county. The meetings are open to press and public.

Question 6c:

Are the current membership thresholds requiring a two thirds majority to veto a PCC’s level of precept and appointment of a Chief Constable proving practicable?

¹ Schedule 6 paragraph 31 PRSRA sets out the duty to provide a balanced panel. The “balanced appointment objective” referred to in this paragraph is the objective that local authority members of a police and crime panel (when taken together)—

(a) represent all parts of the relevant police area;

(b) represent the political make-up of—

(i) the relevant local authority, or

(ii) the relevant local authorities (when taken together);

(c) have the skills, knowledge and experience necessary for the police and crime panel to discharge its functions effectively.

Comments

There is nothing written in the Wilts Police and Crime panel protocol however the thresholds need to be flexible / lower to encompass challenge below the extreme veto option.

Question 6d:

Should Police and Crime Panels have the power to veto PCC appointments of senior staff where they believe the criteria for suitability were inappropriate or not satisfied?

Comments

They should have the power to challenge and scrutinise rationale for decisions to ensure a more transparent process

Question 6e:

How should PCCs be held to account for their standards of personal conduct?
What role should Police and Crime Panels have in this?

Comments

Police and Crime panels should have the power to scrutinise / review conduct and have the power to challenge within a more flexible threshold for sanction.

Question 7:

Are the boundaries between the local roles and responsibilities of the PCC and Chief Constable being adequately communicated and understood by local communities? Is there evidence that they require any further clarification or guidance?

Comments

No, there is definitely a need to provide clarity and understanding

Question 8:

According to the Financial Management Code, Audit Committees should 'advise the PCC and the Chief Constable according to good governance principles and to adopt appropriate risk management arrangements.' How well is this working in practice? Are there any examples of conflicts of interests arising from PCCs and Chief Constables having in some cases, a joint audit committee and/or a joint chief financial officer?

Comments

Yes – wiltshire has a joint finance officer and also a share a business improvement manager

Ethical Leadership

Consultation Questions

Question 9:

What do you see are the key responsibilities of PCCs as ethical leaders? Can you provide examples of PCCs managing those responsibilities well, or, if not, suggest what can be improved?

Comments

A good example could be the championing volunteers who will gain / achieve personal benefit from the schemes in addition to supporting the policing model. Eg cadets who will gain skills / personal development

Question 10:

What actions are PCCs taking to ensure that they and the police force they hold to account maintain the highest ethical standards and embed the Policing Code of Ethics? In particular how are PCCs and Chief Constables as leaders promoting and sustaining the core values of policing in the face of all the other pressures on the force? How are any obstacles being overcome?

Comments

The PCC sits on the force ethics board

Question 11:

Is there sufficient transparency of propriety information from PCCs, for example published information on expenses, registers of interest, gifts and hospitality and external meetings?

Comments

Yes - these are transparently documented within OPCC website

Question 12:

What measures have proved helpful in supporting PCCs to identify and resolve conflicts of interest in discharging their duties? Are there sufficiently robust protocols and guidance in place locally to manage these in a transparent way?

Comments

Healthy disputes and conflicts of interest are debated and resolved as the working relationship between the Chief and the PCC is positive. However if the working relationship was poor , the current guidance and support would be ineffective to help resolve and progress disputes.

Committee on Standards in Public Life

Local Policing – accountability, leadership and ethics

Response Form

Consultation Questions

The Committee has commenced an inquiry on the public accountability structures of the police. We are looking at the structures in place for ensuring ethical standards in the conduct and performance of Police and Crime Panels, Police and Crime Commissioners, and Chief Constables.

The Committee would like to hear your views. Please use this form to answer some or all of the questions in the Issues and Questions paper available at: [https://whitehall-admin.production.alpha.gov.co.uk/government/uploads/system/uploads/attachment_data/file/360941/Police_Accountability_Structures - Issues and Questions Paper.pdf](https://whitehall-admin.production.alpha.gov.co.uk/government/uploads/system/uploads/attachment_data/file/360941/Police_Accountability_Structures_-_Issues_and_Questions_Paper.pdf)

How to respond

Completed response forms should be sent by email to public@standards.gsi.gov.uk or by post to the Secretary to the Committee on Standards in Public Life GC05 1 Horse Guards Road, London SW1A 2HQ.

Name: Emily Higson

Contact address: County Hall, Bythesea Road, Trowbridge, Wiltshire

Postcode:

Contact Telephone:

E-mail:

Freedom of Information

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes. The relevant legislation in this context is the Freedom of Information Act 2000 (FOIA) and the Data Protection Act 1998 (DPA).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals amongst other things, with obligations of confidence. In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Committee.

The Committee will process your personal data in accordance with the DPA and in most circumstances this will mean that your personal data will not be disclosed to third parties. However, it is important for the evidence considered by the Committee to be open and transparent. All responses will be published along with the identity of the person or organisation making the submission, unless the Committee is satisfied both that there is a compelling reason for an exemption to be granted and that the integrity of the process will not be undermined.

Please tick the appropriate response:

- Are you responding:
- *as a member of the public*
 - *as a member of the police*
 - *on behalf of another organisation*

<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>

If you are responding on behalf of an organisation, please tell us your area of work, e.g police constabulary, regulator, trade union, think tank etc

Wiltshire Police and Crime Panel

Local Policing – accountability, leadership and ethics

Current Accountability Structures

Consultation Questions

Question 1:

Are there any gaps in the existing mechanisms for holding PCCs to account?

Comments

The role of Police and Crime Commissioner is a significant one, and the implications of poor performance may also be significant.

In the existing mechanisms, there is very limited ability to impose sanctions on a PCC. This has been shown in recent cases where a Police and Crime Panel had no power of removal despite a very strong case of poor standards, a loss in public confidence and the weight of opinion being in favour of the PCC's removal.

As a result of this gap in the current mechanisms, police and crime panels may be perceived by PCCs as being toothless and, as a result, cooperation with a PCP may be grudging and limited.

It might strengthen a PCP's ability to scrutinise effectively if it was to have the same power as a health select committee, that is to be able to inform the appropriate Secretary of State of any serious issues.

There is also something of a grey area between police and PCP role, which can enable a PCC to shrug off problems as operational matters, and therefore not for the PCP to be concerned with. A mechanism for making this more transparent would be welcomed.

Question 2:

What can PCCs do themselves to improve their accountability to the public in between elections? How well are these mechanisms working in practice?

Comments

To demonstrate their accountability to the public, PCCs could give more recognition to the Police and Crime Panel, make themselves more receptive to its work and be more responsive to requests for information. The PCP is there to hold the PCC to account so to be able to demonstrate an open and positive working relationship between the two would go a long way to improving their accountability to the public.

What works well is attendance of the PCC at local area board meetings,

which are public meetings. This could be further improved by the PCC staying throughout such meetings and answering questions from the public.

PCCs are required to publish decisions of major importance - a clearer, more detailed explanation of what constitutes “major” would be useful.

Question 3:

How are PCCs ensuring transparency in their decision making?

Comments

One of the key aspects of the role of the PCC is to open their force to greater transparency, and there are a number of statutory obligations around this.

However, in Nov 2013, CoPaCC published a thematic paper which assessed the performance of all commissioners. The report found that only one of the PCC offices had all 25 primary statutory disclosures on its website, and four commissioners provided 15 or less. PCCs need to ensure they fulfil the statutory obligations on them around transparency.

More consultation could be done with the public on setting the precept and other key decisions.

Question 4:

What information is being made available to the public to enable them to scrutinise the performance of their local police force and hold PCCs to account? To what extent is it easily accessible, understandable and reliable?

Comments

The PCC has a standalone website which publishes a large amount of information.

The site has a section on transparency which discloses performance information and major decisions.

There is also a regular blog that shows the public some of the things that the PCC does day to day.

Question 5:

What has worked best for PCCs in engaging with the public and local communities?

Comments

A regular blog has been good for showing the public and the PCP the sort of activities that the PCC carries out day to day.

As stated under question 2 the PCC regularly attends public area board meetings

The PCC also introduced a £1m innovation fund to provide grants for local crime reduction initiatives. Some of these have been very successful and popular with the public , details of which can be found [Here](#)

Question 6:

How well are Police and Crime Panels able to hold a PCC to account between elections?

Comments

We would support the LGA in their response to this question, with the following additional comments:

Info sharing – there was a reluctance to share information with police and crime panels in the early days, however the situation is improving slowly. If the PCC worked more co-operatively, the PCP could be a valuable resource in achieving the aims of the Commissioner’s Police and Crime Plan.

Resources – Home Office funding has proved to be inadequate for supporting the scrutiny work of the PCP.

Question 6a:

Does the role of the Police and Crime Panel need any further clarification?

Comments

There could be further clarification over the support aspect of the PCP role, rather than just scrutiny. This may help the PCC to be more inclined to work collaboratively with the Panel.

Question 6b:

How well are the current “balanced”¹ membership arrangements ensuring effective scrutiny and support of PCCs?

Comments

It works well having 2 independent co-opted panel members, in addition to those from a balance of political parties.

One difficulty that has been experienced is that, regardless of political background, it has been difficult finding members to volunteer for task groups. There are a small minority of panel members who participate fully, the remainder do not get involved.

If members of Police and Crime Panels were to receive a special responsibility allowance, this might encourage more members to volunteer.

An allowance would also reflect the special nature of the Police and Crime Panel, in that it is a statutory body with a high degree of responsibility to the public, similar to the Fire Authority

Question 6c:

Are the current membership thresholds requiring a two thirds majority to veto a PCC’s level of precept and appointment of a Chief Constable proving practicable?

Comments

The requirement for a two thirds majority is a serious inhibition to the Panel’s power of veto. It requires 2/3 of the entire panel, not just those attending and is therefore not practicable.

¹ Schedule 6 paragraph 31 PRSRA sets out the duty to provide a balanced panel. The “balanced appointment objective” referred to in this paragraph is the objective that local authority members of a police and crime panel (when taken together)—

(a) represent all parts of the relevant police area;

(b) represent the political make-up of—

(i) the relevant local authority, or

(ii) the relevant local authorities (when taken together);

(c) have the skills, knowledge and experience necessary for the police and crime panel to discharge its functions effectively.

Question 6d:

Should Police and Crime Panels have the power to veto PCC appointments of senior staff where they believe the criteria for suitability were inappropriate or not satisfied?

Comments

The power of the Police and Crime Panel to veto PCC appointments should only refer to the Chief Constable, and not other senior staff.

It is difficult to visualise the circumstances which would lead a Panel to veto the PCC's proposed appointment of a Chief Constable who would have already gone through a selection process investigating his/her competence. On what basis would a PCP separately judge the proposed appointee's competence without repeating the selection process? The only meaningful challenge would appear to be around deficiencies in the selection process and/or selection criteria used.

However, the power of the PCP to veto appointments of the Chief Constable should be taken seriously by the PCC and appointments should not be announced before the PCP is able to comment.

Question 6e:

How should PCCs be held to account for their standards of personal conduct? What role should Police and Crime Panels have in this?

Comments

As stated in answer to question 1, the current powers for PCPs to hold PCCs to account for their personal conduct is limited.

A PCC can only be removed from office as a result of criminal activity. The mechanism for dealing with this is very clear. However, where the conduct of a PCC is non-criminal then the PCP has no power to impose any sanction.

We would support the increase of powers given to Panels to deal with issues of personal conduct.

Question 7:

Are the boundaries between the local roles and responsibilities of the PCC and Chief Constable being adequately communicated and understood by local communities? Is there evidence that they require any further clarification

or guidance?

Comments

The experience of this Panel suggests that the respective roles are not clearly understood. One example to illustrate this is the high number of complaints addressed to the PCC that relate to operational matters. The PCC tends to be seen as “the head of the police force” when in fact this is the role of the Chief Constable.

Clarification of the two roles should be made much clearer.

Question 8:

According to the Financial Management Code, Audit Committees should ‘advise the PCC and the Chief Constable according to good governance principles and to adopt appropriate risk management arrangements.’ How well is this working in practice? Are there any examples of conflicts of interests arising from PCCs and Chief Constables having in some cases, a joint audit committee and/or a joint chief financial officer?

Comments

In Wiltshire the PCC and Chief Constable have a shared Audit Committee.

The PCP has no evidence to suggest that any conflict of interests has arisen.

Ethical Leadership

Consultation Questions

Question 9:

What do you see are the key responsibilities of PCCs as ethical leaders? Can you provide examples of PCCs managing those responsibilities well, or, if not, suggest what can be improved?

Comments

We do not see the PCC having a role as an ethical leader, however there is an expectation that the PCC will act ethically.

Question 10:

What actions are PCCs taking to ensure that they and the police force they hold to account maintain the highest ethical standards and embed the Policing Code of Ethics? In particular how are PCCs and Chief Constables as leaders promoting and sustaining the core values of policing in the face of all the other pressures on the force? How are any obstacles being overcome?

Comments

We are aware that the police force are currently reviewing their own set of values, and the PCC is supporting and monitoring this.

The PCP must assume that the PCC holds the Chief Constable to account for maintaining the highest ethical standards. There is no evidence to suggest otherwise.

Question 11:

Is there sufficient transparency of propriety information from PCCs, for example published information on expenses, registers of interest, gifts and hospitality and external meetings?

Comments

Yes, this is published on the PCC website as it is a legal requirement. Contracts/spending over £500 is published as is a register of interests of the Audit Committee.

Question 12:

What measures have proved helpful in supporting PCCs to identify and resolve conflicts of interest in discharging their duties? Are there sufficiently robust protocols and guidance in place locally to manage these in a transparent way?

Comments

There has been one example of a possible conflict of interest, where the PCC awarded a contract to an organisation that he is involved with.

There is no evidence to suggest that he was wrong to do so however.

The PCC signs a public document disclosing his interests, and the Chief Executive of the OPCC is required to sign off all fund allocations.