

NATIONAL ASSOCIATION OF POLICE, FIRE AND CRIME PANELS



Essex Police, Fire and Crime Panel
Essex County Council
Chelmsford
Essex
1 September 2020

Ms Rachel Watson - Policing Director,
Home Office
2 Marsham Street, Westminster
London, SW1P 4DF

Dear Ms Watson,

NAPFCP Response to the review of the Police and Crime Commissioner Model - Part 1

The National Association of Police, Fire and Crime Panels welcomes the Home Office review of Police and Crime Commissioners (PCCs) in England and Wales. After several years of Commissioners being in place the model has in the main worked efficiently and to the benefit of the public in terms of accountability and value for money within Policing and, where applicable, the Fire and Rescue service.

As can be expected there are areas that would benefit from efficiency and efficacy improvement by mirroring the good practice developed and refined by the many diverse and capable Commissioners over the last eight years. Police and Crime Panels have played a vital role in scrutinising the decisions made by Commissioners on behalf of the public, holding each Commissioner to account through appropriate challenge and support disciplines.

Since the first PCC elections took place the Home Office has adopted a “light touch approach” to the manner in which PCCs were able to carry out their duties and role. Whilst potentially risky, this approach has had the desired effect of helping the very capable PCCs to successfully develop their role in a transparent and public facing way. A light touch approach was also extended to Police and Crime Panels which has allowed panels the opportunity to develop working partnerships and initiatives allowing them to operate as a “critical friend” and support function as part of their duties in scrutinising PCCs’ decisions.

The transition of Police and Crime Commissioners to Police, Fire and Crime Commissioners has been equally successful, with Panels readily adapting their approach to challenge and support to include the additional Fire and Rescue scrutiny requirements at little additional cost overhead. The NAPFCP believes successful partnership working has been possible through

Commissioners, Panels, Policing and Fire and Rescue organisations working towards a common objective of making local communities safer for all.

As stated previously there is always room for improvement. The NAPFCP has used the knowledge gained over the years in working with and consulting Police, Fire and Crime Panels in England and Wales to identify significant improvement initiatives for the Home Office to consider and implement.

Our primary objective in responding to this review is to highlight areas that are in the main working well, areas that would benefit from improvement, and to highlight areas where Commissioners appear reluctant to adopt good practice sometimes to the detriment of the public they represent.

This review response has been compiled with input from the NAPFCP Executive Committee through cross party and Independent non-political membership. The review reflects learning experiences gained from diverse Panels across England and Wales including direct experience provided by Chairs, Vice Chairs, elected and co-opted panel members.

The Home Office decision to exclude Panel representation on the PCC Review Part 1 Advisory Group is both disappointing and illogical, particularly with PCC public scrutiny responsibility being a primary panel remit. I suggest there would be significant benefit should the Home Office reconsider this decision.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J Gili-Ross'.

John Gili-Ross
Chairman - National Association of Police, Fire and Crime Panels
07957804621

Annex A Review into the role of Police and Crime Commissioners

Part One - Key Research Questions

- 1) How to reinforce and sharpen the accountability of PCCs to the communities they serve, including how to raise the profile of the PCC model and improve the ease with which the public can access information about their PCC.

Experience suggests the majority of the public are still uncertain as to the PCCs' role and responsibilities within policing. In the main the public believe that policing is the sole responsibility of Chief Constables who are perceived as having many more public order priorities than the matters which impact the general public. This perception is changing in some areas where PCCs have been willing to make themselves accessible to the public at planned local level open events or to targeted Unitary, Borough, District, Town or Parish Council audiences. One of the most effective audiences used by PCCs is the Parish and Town Council sector (PTC) where PCCs have exploited the direct communication links to the public via local newsletters, community websites and social media channels. Individual PTCs combine to make up a County Association of Local Councils (CALC) which amongst other things centrally co-ordinate and distribute news items to the various PTC members. Naturally for largely urban communities not served by the PTC sector there is little central coordination for a PCC to use to promote a successful profile in community safety.

The profile of a PCC has been enhanced within the community served when they have implemented and remain actively engaged in community-based initiatives such as Rural Crime Forums, Farm Watch, Community Speed, Neighbourhood and Business Watch schemes.

Where PCCs have implemented community grant schemes this has greatly assisted in reaching members of the public that in the past have felt largely ignored. Grant disbursement to deserving community safety causes has provided the public with an awareness of the benefits provided by having a successful and highly influential elected Commissioner.

The public needs to see evidence that Community Safety Partnerships (CSPs) are delivering against the strategic objectives set in the Police and Crime Plan and not at the potential expense of delivering local CSP "pet projects". The Home Office used to fund CSPs but the allocation of funding has quite rightly moved to PCC funding determination. It should be reasonable for a PCC to review each CSP within the policing region, in terms of working practices, organisational structure and the value for money benefits they provide to local tax payers. PCCs are ideally placed to carry out annual CSP reviews to include operating model fulfilment and processes that match county priorities. CSPs should be accountable to the public and their decisions made in a transparent manner.

Commissioners need to demonstrate their Police and Crime Plans are intelligence led and that police resources are assigned on a “needs” basis.

PCCs must ensure that grant funding is allocated to fulfil public benefit needs with clearly demonstrable outcomes being set out at the application stage.

Social Return of Investment models need to be used to evaluate outcomes and prevention and intervention services. If these principles are applied the public may more easily identify with the significance of PCCs.

2) How effectively do PCCs engage the public?

Successful PCCs use the engagement methods described above. Most PCC websites, social media outlets and newsletters are public facing, reasonably easy to read and informative with respect to non-operational policing activities. This extends to Fire and Rescue governance activities where applicable.

Most PCC websites include an invitation to visitors to sign up to receive newsletters and / or social media channels.

Public information and question and answer sessions arranged by PCCs are commonplace which have traditionally been well attended. Following the Covid-19 outbreak many of these sessions have been moved to remote platforms, however there is evidence that some PCCs appeared reluctant to make use of remote platforms often citing concerns about non-secure technology. Some PCCs also appear to have concerns about how they may appear from a presentational perspective and the loss of control that may arise from such sessions being recorded by attendees.

How do we ensure the public can more easily hold their PCC to account at the ballot box, for reducing crime and delivering an effective and efficient police force?

Under the present electoral system holding the PCC to account at the ballot box can be a challenge and could vary tremendously between counties. Party political dominance within a county will normally determine the candidate that is elected and the public are unlikely to get a true picture of the candidate's potential to fill such a senior and influential role.

Assuming this question relates to a PCC who is seeking a further term, the solution may be somewhat clearer. By election time the PCC will have had at least 4 years in which to demonstrate their success in decision making and the actions taken in regard to crime reduction and the delivery of effective police force. At the beginning of their term PCCs create a Police and Crime Plan agreed by the Chief Constable and approved by the PCP. The PCC is mandated to produce an annual report for the public, to demonstrate progress made or otherwise in policing. It is essential that annual reports are written as public facing documents and one PCP objective when approving the annual report should be to confirm its legitimacy and has been written for ease of public digestion.

There is evidence of public concern with the manner in which some PCCs have appointed a deputy. Where a deputy is appointed the position should be subject to a full and transparent selection process. This should be free of any party-political influence. There are examples of PCCs employing a transparent selection process for their deputy and the Home Office should consider these examples if seeking to mandate a process based on best practice.

To enhance the public awareness of the PCC role generally and in particular at election times, the Government should fund a PCC information programme that encourages the public to engage fully with the PCC election process. This should in particular highlight that PCCs can be either independent or party-political nominees.

- 3) How to ensure that PCCs have sufficient resilience in the event that they cannot undertake their role, by considering existing arrangements for appointing Deputies.

Is the current model resilient enough to hold up when things go wrong?

From the results of the NAPFCP survey of PCPs in May 2020, legitimate concerns were expressed when a deputy PCC has not been appointed. The COVID-19 pandemic has highlighted the importance of having appropriate resilience in place should the PCC or their OPCC staff be impacted. Appointing an identified deputy through a transparent and independent process should be made mandatory. The public would expect the appointment process used to select a deputy to have a professional and independent selection panel.

- 4) How to improve the current scrutiny model for PCCs, including the provision of common quality standards and considering the role of Panel chairs.

The perception amongst many Panels and their members is their work does not appear to be valued by Government and in particular the Home Office. This situation is not improved by the reluctance of the Home Office to include PCP/PFCP representation on the PCC Review Advisory Group either through the NAPFCP or by appointing individual Panel members.

Improving the PCC scrutiny model requires the appointment of Panel members who are committed to providing professional, appropriate and transparent PCC scrutiny. Such attributes may not always be apparent for Local Authorities appointed Panel members who generally are appointed solely to represent the interests of their specific Local Authority. Local Authority appointed Panel members should have a term of appointment to maintain continuity, in effect going some way to matching the term conditions set for co-opted members. Naturally any such term of appointment for Local Authority members would be subject to election changes, retirement or resignation conditions.

Since 2012, Panels have successfully scrutinised PCCs multi-million-pound budgets together with the decisions made by the PCC on how budgets are used to provide the public with effective and value for money policing. Panels should have earned the Governments respect and trust to spend the Home Office grant wisely and appropriately in the execution of their duties. Panels differ in the

manner in which they operate to meet their scrutiny function and providing they operate within set budgets; they should be permitted to use their grant for purposes they believe maximises effectiveness and efficiency.

Panel members should be entitled to receive an appropriate allowance plus expenses. The current maximum allowance set by the Home Office of £920.00 per annum is somewhat derisory and to some panel members is rightly or wrongly an indicator of the value the Home Office places on quality PCC scrutiny. If Panels are permitted to operate within the constraints of the Home Office grant, then individual Panels can decide if an allowance should be paid and at what amount.

Many Panel Chairs expend a great deal of time and effort on Panel activities, and payment of an appropriate Chairs allowance is variable across the country, with many not receiving one at all. This situation is further compounded where a Panel Chair is a co-opted member where currently the maximum allowance remains the same as any other Panel member in spite of often providing the Panel with additional essential skills and capability.

Panels should be permitted to use part of their Home Office grant to support the NAPFCP as an effective cross sector learning organisation. The Home Office has quoted specific parts of the Police Reform and Social Responsibility Act 2011 prevent the use of the grant for purposes outside of the policing area which includes paying membership subscriptions the NAPFCP. Most Panels are completely reliant on the Home Office grant to function.

Consequently, the NAPFCP has to operate on a self-help basis driven by an Executive Committee to identify and promote best practice within Panels. An indicator of Panel benefits provided through the NAPFCP functions and work programmes include;

- Responding to consultation documents such as this review as well as the Police Foundation Policing Review,
- Producing regular Key Lines of Enquiry questions to help PCPs challenge their PCC in current matters.
- Encouraging Panel members to undergo appropriate sector training programmes currently organised through third party training partners.
- Providing significant input to the LGA Policing and Fire Governance for Police and Crime Panels to help maintain an accurate and balanced guide that highlights good practice within the sector.
- Carrying out Panel surveys and producing outcome reports which are shared with all Panels, the Home Office and LGA. A survey is currently underway to determine the perceived effectiveness of the complaints process for PCCs and deputies as well as the new police complaints process implemented by PCCs at the start of 2020.
- Advising Panels - Chairs, deputies and support officers on best practice, good PCC relationship building strategies, co-opted member recruitment and how to maximise the number of quality applicants.

- Reviewing technology changes and their potential impact on PCC budgets
- Public promotion of a Panel's role within policing and fire and rescue.

Are the right checks and balances in place to make PCC-led accountability work?

The recent NAPFCP Panel survey asked Panels whether they possessed sufficient or appropriate powers to carry out effective PCC scrutiny. The results as measured suggests a 50:50 split of opinion by Panels. Where Panels had indicated they felt more powers were needed the following direct and indirect powers were cited as being potentially beneficial.

- PCCs should be required to carry out an independent and transparent deputy PCC selection process providing Panels with assurance during the confirmation process that the successful candidate was the best match for the position.
- A deputy should be appointed within 6 months of the PCC taking office or following resignation or retirement of a deputy.
- Provide meaningful powers for Panels to veto a Deputy PCC appointment or require their resignation or dismissal.
- Panel Chairs or their designate should be a member of the selection panel for a PCC deputy, CEO and chief finance officer of the OPCC, Chief Constable, Chief Fire Officer (where applicable)
- An independent and transparent process should be required for Chief Constable and Deputy CC positions. PCCs should be given powers to determine the composition of the selection panel. The average CC appointment period is currently less than 5 years and it should not follow that a DCC will be the prime candidate for the Chief Constable position.
- The confirmation hearing for a Chief Constable is currently subject to an initial veto by a Panel with Panels having no involvement prior to this point, yet rejection of a candidate at a confirmation hearing is likely to have a significant impact on their future career prospects. PCCs should not be permitted to publicise the preferred candidate's identity prior to a confirmation hearing.
- PCP has veto powers for the precept proposed but nothing substantial beyond this. A PCC can make small changes that materially do not affect the proposed precept and when submitted the PCP has no further power of rejection. Successful PCCs encourage early engagement of PCP members in the budget setting process and this should be strongly encouraged by a PCC if not formally mandated.
- Where a PCC proposes termination of a Chief Constable, the PCP, via the Chair or their designate, should be engaged at the outset of the planned termination process and in particular before any public announcement.

Do police and crime panels have the right skills, tools and powers to hold the PCCs to account?

PCPs have the ability to appoint more than the specified minimum of two independent members to provide the right skills, tools and experience to hold the PCC to account. Panels tend to regard the specified minimum as a maximum number possibly to keep the overall panel membership to a manageable size.

Some Panel members seldom contribute to the PCC scrutiny or engage with other work undertaken by the Panel. The appointment of elected members to a Panel currently does not necessarily take into consideration members having appropriate skills, willingness or enthusiasm to be an active and effective Panel member and the current allowance scheme adds little to promote Panel member engagement. Panel members appointed by local authorities are not subject to defined term limits as apply to independent members. This point has been raised earlier. This raises the question of potential discrimination between elected and Independent (co-opted) panel members.

Where appropriate Fire and Rescue related skills can be added to the Panel through the appointment of additional independent members if believed necessary.

Should a system of recall be introduced for PCCs and if so, what should be the trigger mechanism?

It is difficult to envisage how a suitable system of recall for a PCC could operate unless a similar arrangement is implemented to that provided for an MP within the Recall of MPs Act 2015.

How to share and embed best practice among PCCs.

Sharing of best practice between PCCs should fall within the remit of the Association of Police and Crime Commissioners (APCC), who are the organisation established and funded by PCCs for this very purpose as well as other vital advisory functions that will benefit PCCs and DPCCs in their work. With an effective and suitably funded APCC, best practice learning and experiences are made available without further government financial support.

The APCC financial model works in that PCCs determine the value for money provided by being subscribers and where the value to a PCC is not apparent then they can lapse membership.

- 5) The effectiveness of the current PCC and Chief Constable oversight dynamic, including consideration of the process for the suspension/dismissal of Chief Constables and reviewing the Policing Protocol.

Are PCC powers around the removal and appointment of chief constables correctly calibrated?

Transparency during the appointment process of both the CC and their deputy is essential if public confidence is to be maintained. This should also apply to the appointment of a Chief Fire Officer and their Deputy where relevant.

The PCC should be made fully accountable to the public for the selection and appointment process. It would be reasonable to expect the interview selection panel to be made up of independent members as well as members with a policing or fire and rescue background.

The current process of suspension / dismissal of the Chief Constable or Chief Fire Officer appears adequate providing there is an understanding that prior to formal suspension or removal process has begun the PCP Chairman (or their designate) has been briefed on the planned actions by the PCC in this matter as they fulfil a key stakeholder position.

Is the balance right in the PCC/CC relationship? And what changes might be needed to the Policing Protocol?

PCCs hold Corporation Sole Powers including that of holding the Chief Constable to account and to hire or dismiss them from their role. PCCs provide the public with a direct say in policing within their area and are accountable to the public through the ballot box. Police and Crime Plans are drawn up by the PCC and are operationally agreed with a CC prior to plans being approved by the Police and Crime Panel. These aspects alone provide a sound platform to engender a balanced relationship between the PCC and CC providing each fully understands the extent of their statutory remit.

Training for policing and fire and rescue senior roles must include significant elements aimed at promoting good practice and PCC relationship development at a professional level. The training methods currently employed do not appear to acknowledge the importance of relationship working at a senior level.

The NAPFCP believes that across the UK and Wales, there is appropriate balance in PCC/CC relationships and that in general suitable remedies are available to rectify any imbalance where necessary. Where there is a disagreement in respect of the operational activities that are in place to support the Police and Crime Plan the CC may rely on citing that operational matters are at their sole discretion in order to hold sway. In such cases the PCC must be able to insist on an operational review process requiring the CC to be duty bound to provide adequate and appropriate resource and records.

The Police and Crime Act 2017 introduced significant changes to the handling of police complaints and the discipline system. Although changes through the Act came into effect in late 2018, it was not until the end of 2019 that many policing areas had a fully functioning system under the control of a PCC. The NAPFCP are not aware of any significant issues created by the revised process or with regard to the option chosen to be implemented by a PCC. The NAPFCP has begun to consult with Panels as to the methods employed by PCCs and the real or perceived effectiveness as measured by public satisfaction. Outcomes from this consultation are expected to be available by December 2020.

- 6) Whether any steps are needed to strengthen accountability or clarity of roles within the Mayoral PCC model; learning from the transfer of PCC and Fire & Rescue Authority (FRA) functions to mayors. This will lay the foundations for our

longer-term ambition to increase the number of mayors with responsibility for public safety, which will be outlined in the forthcoming Local Recovery and Devolution White Paper.

What do you see as the strategic benefits of having a single, elected and accountable leader, who is responsible for a range of public safety functions?

The introduction of Commissioners with responsibility for policing and latterly fire and rescue services has been significant and has been regarded as a much needed and positive change from previous arrangements through Police and or Fire Authorities. In general Commissioners provide the public with stable finance and governance accountability in policing matters and FRS where this is within their remit. A benefit evidenced in Essex when governance of Fire and Rescue services moved to the Commissioner. In particular significant cultural change in work force capability and flexibility was made possible in a relatively short period of time.

Few could doubt the success created by moving fire and rescue governance under a capable Commissioner through changes achieved in a short period of time. Prior to PCC engagement the public held deep rooted respect and confidence in the FRS, this confidence and support having continued in spite of significant service transformation of internal working practices being implemented.

Commissioners are required to produce a business case for Home Office approval to justify the benefits of transferring FRS governance under their control. The reduction in staff numbers feared by many within the service has not materialised, and on the contrary the service has improved through workforce role diversity, continuing the emphasis on community focussed safety programmes in addition to fire related activities. It may not have been possible to achieve the speed, efficiency and effectiveness of changes to working practices under the Fire Authority governance model.

If this efficient way of working for both police and fire and rescue is to continue under a Mayoral model it is vital that PCCs retain corporate sole powers for both services. The model where the Deputy Mayor has public safety within their control appears to work well. Whatever model is promoted by government it is important that Chief Constables and CFOs are held to account directly by the PCC (or Deputy Mayor) and this function does not become a function determined by the Mayor.

What are the opportunity and issues with transferring PCC and FRA functions to mayors?

The opportunities and issues identified through those Panels where transfer has taken place include potential cost saving through shared services and facilities including IT services, estates availability and maintenance, vehicle supply and maintenance, and back office support functionality planning.

Bringing FRS under the governance of the PCC can provide the opportunity to appoint an independent, non-fire and rescue CFO with the skills and remit to transform the working practices and organisational structure to meet modern

working environments. Operational FRS experience and senior management is available by capable and skilled deputy CFOs.

Transformation of HR and support service functions by a non-fire and rescue experienced CFO can provide the opportunity for implementing work force cultural changes in a speedy and efficient manner. FRS has for too long been able to operate using outdated working practices, limited and inappropriate career development expectations and archaic recruiting processes that to the general public would be considered unacceptable.

PCCs are in a position to determine a remuneration package for a CFO and therefore senior staff within FRS. This also removes or severely impacts the historical expectation by senior managers of receiving significant (and to the public, unjustifiable) retirement lump sum payments.

This provides the opportunity to share support function capability between FRS and Policing. For example, improved road safety forms a significant part of PCCs policing plans. Duplication of core services met by both police and FRS can be removed to ensure that valued capability is placed with either the police or FRS.

What are the lessons learned to date from transferring PCC and FRA functions to mayoral models?

Changes planned for local government reform will lead to potentially a greater number of mayoral models resulting in control of community safety through policing and FRS moving further away from Home Office direct control.

The current governance model in place with a duly elected mayor with a remit to include community safety governance would appear to be working satisfactorily. If PCCs are to be included within a mayoral administration it is vital that they retain (as deputy mayor or other position) corporation sole power.

Major crime and organised gangs is a national issue. If the mayoral model becomes more widely implemented it is unclear if the National Crime Agency will need to significantly increase in size, numbers employed, financial models and areas of operation etc and would this result in areas of activity conflict or duplication at the local policing area level.

7) How we set out our long-term ambition on fire governance reform ahead of the May 2021 PCC elections.

What are the benefits and challenges of the current model for transferring fire governance to PCC's?

As the composition and structure of FRS varies by county and in some cases across counties, it appears that reform of FRS boundaries will be needed which, in spite of obvious public benefits, will likely face significant opposition by the Fire Authorities, Councils and Trade Unions. This may mean that a mandated change will be necessary through Home Office decree before any FRS can come under PCC governance.

The financial benefits (by way of cost savings) of change are likely to be significant using existing governance models in place under PFCCs.

Where a Local Authority has responsibility and control of FRS, this has in some cases allowed the LA to divert FRS funding to help underpin LA budget shortfalls at the expense of the emergency service. Transferring financial governance of FRS to a PCC ensures relevant and appropriate funding is ringfenced for their intended use.

Impact on the workload of Panels does increase but is largely manageable as scrutiny methods and tools for a PCP are the same for a PFCC with only additional time being required at Panel meetings. The additional workload of Panels will impact and potentially increase support officer time in producing and researching FRS activities in addition to the time taken for policing activities. The Home Office grant must take this into consideration when setting Panel grants.

How can we strengthen and clarify the distinction between strategic and operational planning in fire?

The review should seriously consider the benefits of producing a joint community risk management plan between FRS and the police when governance for both aspects falls within Commissioners' remit. This would be a multi-agency plan with clearly defined intelligence led objectives, actions and outcomes. The current FRS Integrated Risk Management Plan (IRMP) uses the principle of "right resources in the right place at the right time" and these principles require a more forensic and objective approach within the planning stage. This would in turn help to make the case for up-stream intervention and prevention resulting in long term benefits through efficiency savings and cultural change culminating into the establishment of a prevention culture.

Could governance change help maximise collaboration between policing and fire?

As just one example, significant and rapid progress has been made in developing effective partnership working in relation to "Protecting the NHS" during the Covid-19 pandemic by the emergency services. This should not be lost and police and FRS joint working in intelligence led multi agency hubs should become the norm for all PFCC areas. There are some good examples of best practice that have been formed under PFCC governance models and the resulting clearly defined partnership approach has helped mitigate the myth and fear perpetuated by the prospect of FRS becoming a policing body.

What are the benefits of having a range of services and strategic planning under one elected individual?

These benefits have already been described under earlier questions. In summary however those Panel members exposed to the transition from separate governance for police and FRS to a single elected individual is one that is positive. The old systems where governance was held by the Police Authority and Fire Authority has shown to be far less efficient than the current model.

Governance through a single elected PCC has modernised the two blue light services in a much-needed manner.

- 8) In helping prepare for Part Two, we are also interested in understanding if the levers currently available to PCCs are sufficient to allow them to cut crime effectively in their force areas.

Cutting crime in a force area through PCC direct intervention will require much greater control and leverage over the activities of the CC and hence police officers. PCCs control the policing budget but having successfully raised annual budgets, through increased precepts, a PCC has little control over operational policing to support a successful delivery of a policing plan.

Modern policing continues to change. For change to be acceptable it has to receive the support and backing of policing stakeholders, not just policing senior management but also Local Authority stakeholders and the Police Federation. From the public's perspective policing change is perceived to be successful when the number of police officers rises and the local crime figures are reduced. A significant amount of organised crime is national and can and does impact many police areas. This possibly leads to duplication of effort between the NCA and the individual police force areas under a CC. Formation of the NCA appears to be successful in tackling serious and organised crime. Funding of the NCA must be sufficient to meet organised crime requirements and funded totally via the Home Office. Local county-based police area activities under a CC / PCC should be funded through local precept generation. This will help provide a means by which PCCs can legitimately engage in operational activities agreed with the CC to meet local plan objectives.

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