
Police Accountability

Written Evidence

Section I - M

Evidence Number	Name	Stakeholder category
E44	Independent Police Complaints Commission	Independent public body
E45	Information Commissioner's Office	Independent public body
E46	Institute of Chartered Secretaries and Administrators	Professional organization
E47	Ms Jean James	Member of the public
E48	Earl John Lytton	Peer
E49	John Raine, University of Birmingham	Academic
E50	Kent and Medway Police and Crime Panel	Police and Crime Panel
E51	Rupert Turpin, Member of Kent and Medway Police and Crime Panel (submission is his personal view and was not submitted on behalf of or with the approval of the Panel)	Police and Crime Panel
E52	Lancashire Police	Police force
E53	L A Probert	Member of the public
E54	Lawyers in Local Government	Professional organisation
E55	Leighton Andrews AM, Minister for Public Services (Welsh Government)	Devolved administration
E56	Lincolnshire Police and Crime Panel	Police and Crime Panel
E57	Local Government Association	Local government/professional organization
E58	Loughton NHW and Epping Forest NHW Committee	Third sector/Members of the public
E59	Mayor's Office of Policing and Crime	Police and Crime Commissioner/Other
E60	Merseyside Police	Police force
E61	Police and Crime Commissioner for Merseyside	Police and Crime Commissioner
E62	Merseyside Police and Crime Panel	Police and Crime Panel
E63	Metropolitan Police	Police force

CONSULTATION RESPONSE

TO	The Committee on Standards in Public Life
FROM	The Independent Police Complaints Commission (IPCC)
REGARDING	Inquiry into local policing accountability, leadership and ethics

The IPCC

The IPCC's primary statutory purpose is to secure and maintain public confidence in the police complaints system in England and Wales. We are independent, and make decisions independently of the police, Government and interests groups. We investigate the most serious complaints and incidents involving the police, as well as handling certain appeals from people who are not satisfied with the way police have dealt with their complaint.

The IPCC was established by the Police Reform Act 2002 and became operational in April 2004. Since that time our remit has been extended to include:

- Police and Crime Commissioners and their deputies
- the London Mayor's Office for Policing and Crime and his deputy
- the National Crime Agency (NCA)
- Her Majesty's Revenue and Customs (HMRC)
- staff who carry out border and immigration functions who now work within the UK Border Force and the Home Office
- certain non Home Office police forces (including the British Transport Police and the Ministry of Defence Police)

The Committee's inquiry

We welcome the Committee's inquiry and its focus on the issues of accountability, leadership and ethics within policing. These issues are central both to effective policing and to public confidence in it. It is crucial that structures are in place to safeguard true accountability, good leadership and ethical behaviour at all levels of the police service. However, those in the most senior and influential positions have a particular responsibility for upholding these values. We are mindful that the Committee's 2013 report on best practice in promoting good behaviour in public life highlighted that *"High standards are everyone's personal responsibility. But personal*

behaviour is shaped by organisational culture. High standards need to be driven actively by leadership and example¹.

We note that the inquiry is focussing on what structures are in place to ensure ethical standards in the conduct and operation of Police and Crime Panels, Police and Crime Commissioners and Chief Constables. The IPCC forms part of the accountability structure for two of these office holders: Police and Crime Commissioners and Chief Constables. Therefore, while we have not responded to the consultation questions individually, as many relate to issues which sit outside our sphere of activity, we have explained below our remit in respect of these office holders and provided comments on our own experience of how the current accountability structures work in practice.

The IPCC’s remit – Chief Constables and Police and Crime Commissioners

The IPCC has remit over the Chief Constables of all 43 Home Office police forces in England and Wales, as well as the chief officers of other agencies and non Home Office forces that have entered into an agreement with the IPCC under Section 26 and similar provisions of the Police Reform Act 2002. These include forces such as the British Transport Police, the Ministry of Defence Police and the Civil Nuclear Constabulary.

We also have remit over Police and Crime Commissioners, the holder of the Mayor’s Office of Policing and Crime, and their deputies. (For brevity, the term ‘Police and Crime Commissioners’ is used in the remainder of this document to refer collectively to these posts). Our remit in respect of Chief Constables and Police and Crime Commissioners differs. Our remit in respect of the latter is more limited and only applies where it is alleged or it appears that a criminal offence may have been committed.

The following table provides a high level summary of our role in considering and investigating complaints and incidents relating to Chief Constables and Police and Crime Commissioners.

	Chief Constables	Police and Crime Commissioners
Matters that must be referred to the IPCC	Allegations of serious assault, a serious sexual offence, serious corruption, a ‘relevant offence’ ² , a criminal offence or behaviour liable to lead to misconduct proceedings which was aggravated by discriminatory behaviour, or that the officer’s conduct has resulted in a	Allegations or where it appears that the individual may have committed a criminal offence. Any matter fitting the above description that the IPCC ‘calls in’ (i.e. instructs the appropriate

¹ Committee on Standards in Public Life (2013): Standards matter – a review of best practice in promoting good behaviour in public life. TSO: Norwich.

² A ‘relevant offence’ is defined as any offence for which the sentence is fixed by law or any offence for which a person of 18 years and over, not previously convicted, may be sentenced to imprisonment for seven years or more, excluding any restrictions imposed by Section 33 of the Magistrates Court Act 1980.

	<p>death or serious injury.</p> <p>'Recordable conduct matters'³ which relate to any incident or circumstances in, or in consequence of which, a person has died or suffered serious injury.</p> <p>Any complaint or recordable conduct matter that the IPCC 'calls in' (i.e. instructs the appropriate authority to refer).</p>	<p>authority to refer).</p>
<p>Matters that can be referred voluntarily to the IPCC</p>	<p>Any matter where the appropriate authority considers referral would be appropriate because of the gravity of the subject matter or other exceptional circumstances.</p>	<p>None.</p>
<p>IPCC investigations or involvement in investigations following a referral</p>	<p>The IPCC determines whether an investigation is required. If so, it may decide to conduct its own independent investigation, to manage or supervise an investigation by a police force, or that the matter can be dealt with locally without IPCC oversight.</p>	<p>The IPCC determines whether an investigation is required. If so, it may decide to conduct its own independent investigation or to manage an investigation by a police force of the IPCC's choosing.</p>
<p>Criminal proceedings</p>	<p>The IPCC may refer a matter to the CPS following a managed or independent investigation. It may also direct the appropriate authority to refer a matter to the CPS following an appeal against a local or supervised investigation.</p> <p>(The CPS then decides whether criminal proceedings should be brought against the officer).</p>	<p>The IPCC may refer a matter to the CPS following a managed or independent investigation.</p> <p>(The CPS then decides whether criminal proceedings should be brought against the individual).</p>
<p>Disciplinary proceedings</p>	<p>The IPCC may recommend and, if necessary, direct that the appropriate authority brings</p>	<p>The IPCC reports its findings but cannot recommend or direct that a Police and Crime Panel brings</p>

³ Subject to some limited exceptions, a conduct matter is any matter about which there is not or has not been a complaint, but where there is an indication that a person serving with the police may have committed a criminal offence or behaved in a manner which would justify disciplinary proceedings.

	disciplinary proceedings against the officer following a managed or independent investigation, or following an appeal against a local or supervised investigation.	disciplinary proceedings against a Police and Crime Commissioner.
Appeals against how a complaint has been handled or investigated	If there is a complainant, he or she may appeal to the IPCC if they are unhappy following a local or supervised investigation, or about certain other aspects of the handling of their complaint. There is no right of appeal against a managed or independent investigation.	There is no right of appeal to the IPCC.

Structures in place to hold Chief Constables to account

The IPCC plays an important role in holding Chief Constables to account. IPCC investigations have, for example, led to disciplinary proceedings against a former Chief Constable of Cleveland Police who was dismissed for gross misconduct, and disciplinary proceedings against a former Chief Constable of North Yorkshire Police who received a final written warning after admitting gross misconduct. Following an investigation by the IPCC, the Police and Crime Commissioner for Avon and Somerset Constabulary has recently decided that disciplinary proceedings should be brought against the Chief Constable of that force.

In another instance, an IPCC investigation found that a former Chief Constable of West Yorkshire Police had a case to answer for gross misconduct. However, the officer had left the police service before the conclusion of the investigation and therefore before any disciplinary hearing could be convened. The IPCC published its findings nevertheless, for the public's information.

The issue of police officers retiring or resigning prior to the conclusion of an investigation, or prior to disciplinary proceedings, is of concern to the IPCC in cases involving chief officers as in those involving officers of other ranks. To ensure proper accountability it is important that officers cooperate fully with IPCC investigations, and that those investigations and any subsequent disciplinary proceedings can be seen through to their conclusion. A failure to do this can leave questions unanswered and can erode public confidence in policing and the police complaints system.

The current accountability structures surrounding chief officers involve many parties. Police and Crime Commissioners play a central role but the IPCC, Crown Prosecution Service, College of Policing, HM Inspectorate of Constabulary and those sitting on panels for disciplinary hearings also have an important part to play – as do chief officers themselves who must be prepared to be accountable to the public they serve. The effective working of the system depends on all parties being clear about their roles and responsibilities and carrying out their duties robustly. It also requires a legislative framework that supports them to do this efficiently and effectively.

The current legislative framework governing the police complaints and disciplinary systems is complex. It does not always work well and can be difficult to operate and understand. We have

therefore argued that it needs to be reformed. The application of this framework to Police and Crime Commissioners in their capacity as the appropriate authority for chief officers gives rise to some additional anomalies and practical difficulties. For example:

- In some cases a Police and Crime Commissioner may be a witness for the purposes of an investigation into the conduct of a chief officer. The legislation does not make provision for what should happen in these circumstances or who should act as appropriate authority.
- The legislation makes it difficult to distinguish and therefore handle appropriately complaints which are genuinely about the conduct of a chief officer as an individual and those which are about him or her as the titular head of the service.
- A complaint against a chief officer which is suitable to be locally resolved cannot be resolved by the Police and Crime Commissioner or their staff. It has to be dealt with by a member of the same police force, and therefore someone who is employed by the chief officer.
- Complaints against chief officers which are not suitable for local resolution, but are not being investigated by the IPCC, cannot be investigated by the Police and Crime Commissioner's staff. In the case of the Commissioner of the Metropolitan Police, the person conducting the investigation must be appointed by the Secretary of State. In the case of other chief officers, the person appointed to investigate must be from an external police force but no formal process is in place to facilitate this. HM Inspectorate of Constabulary has been helping Police and Crime Commissioners by finding chief officers from other police forces to assist. However, in some instances cases have stalled for several months before someone agrees to take on the task.
- There can be challenges around how to keep a Police and Crime Commissioner informed about the progress of an IPCC investigation into the conduct of a chief officer without potentially prejudicing that investigation.

A key part of accountability is transparency. However, there are certain aspects of the current system which in our view are not as transparent as they could, and should, be. For example, at present the vast majority of disciplinary proceedings for police officers are held in private. We would welcome changes to the system to increase transparency, such as introducing a presumption that all misconduct hearings will be held in public.

The integrity of the system also relies on there being sufficient independence and impartiality. In our view, it is therefore important that the relationship between the Police and Crime Commissioner for a force and its Chief Constable does not become too close. Sufficient distance is required so as not to risk the ability of the Police and Crime Commissioner to be impartial in decision making and robust in holding the Chief Constable to account on behalf of the public. The Police and Crime Commissioner must follow, and be seen to follow, due process in dealing with any complaint or allegation made against the Chief Constable. He or she must not act, or be perceived to act, as an advocate for the Chief Constable and, for example, should observe impartiality in any public statements relating to the matter.

While it is necessary to have strong accountability structures in place to enable effective scrutiny of the conduct and performance of Chief Constables who are already in post, the

stages leading to the appointment of a chief officer are no less important. We have concerns that current selection and vetting processes may not always be sufficiently robust. The selection of an individual to lead a force can have significant ramifications for the ethos of that force, the way in which it is run, the ethical standards it displays and its ultimate success.

Structures in place to hold Police and Crime Commissioners to account

As noted above, the IPCC's remit in respect of Police and Crime Commissioners is limited to allegations that they may have committed a criminal offence, either while in office or before they took up post. Police and Crime Panels are responsible for referring these matters to us. In the last financial year we received 31 referrals from Police and Crime Panels.

IPCC investigations into Police and Crime Commissioners are small in number compared to the overall volume of investigations that we carry out. However, some of these raise new and complex areas of law and practice. The types of matters that we are required to consider and which we investigate in relation to Police and Crime Commissioners, who are elected individuals, tend not to relate to core policing activities and therefore to be quite different from most of the IPCC's core business. For instance, last year we conducted two separate investigations into allegations that Police and Crime Commissioners had misrepresented their home addresses when submitting nomination forms for Police and Crime Commissioner elections.

In our view, the current accountability structures for Police and Crime Commissioners create certain inherent tensions. For example, the IPCC and Police and Crime Commissioners need to maintain an open dialogue and work together in the oversight of a police force. However, at the same time, the IPCC may be conducting a criminal investigation into one those Police and Crime Commissioners.

For both of those reasons, we have argued that the role of investigating alleged criminality of a Police and Crime Commissioner, including fraud, should be dealt with by a different body, either the National Crime Agency or the City of London Police, which holds the national fraud reporting responsibility and has no Police and Crime Commissioner or equivalent.

Independent Police Complaints Commission

28 November 2014

The Information Commissioner's submission to the Committee on Standards in Public Life

Local Policing – accountability, leadership and ethics

Introduction

1. The Information Commissioner has responsibility for promoting and enforcing the Data Protection Act 1998 (DPA) and the Freedom of Information Act 2000 (FOIA), together with associated legislation such as the Privacy and Electronic Communications Regulations (PECR). He is independent from government and upholds information rights in the public interest, promoting openness by public bodies and data privacy for individuals and taking appropriate action where the law is broken.
2. The focus of this response will be on the DPA and FOIA and the relevant questions are answered below. Also included, by way of background, is an overview of some of the issues my office has been involved with in terms of the proposals for an outward facing register of disapproved officers, disciplinary hearings to be considered in public and the naming of police officers who have been subject to disciplinary action on websites.

Background

3. There is clearly a move towards greater transparency in the policing sector and this is welcome. However, transparency has to be balanced against the right to privacy for individuals and my office has provided advice to the Home Office, the IPCC, the College of Policing and Major General Clive Chapman in terms of the proposals to name all police officers who have been involved in disciplinary hearings. This is aligned to the proposals for an outward facing public register of disapproved officers and for disciplinary hearings to be held in public.
4. It is clearly important that there are effective measures in place to ensure the integrity of police officers, however any policy based on a 'blanket' presumption to disclose personal data in each and every case will potentially fall foul of data protection and human rights legislation. Any disclosure will mean personal and potentially sensitive personal data will enter the public domain and the possible harm or damage that this might cause to individuals or indeed their families need to be considered.

5. There will clearly be some cases where information should be disclosed such as, for example, if it is a high profile case concerning a high ranking officer such as a Chief Constable. However each case should be assessed on its own merits factoring in data protection and human rights considerations to ensure that any disclosure of personal data is lawful. It is recognised that striking the right balance between ensuring public confidence in police officers (including Chief Constables) as well as ensuring there is no unwarranted repercussions is challenging but careful thought needs to be given to any disclosure which may be made to the public.

Questions

6. The Committee is interested in views on the effectiveness of police accountability structures and whether there are any gaps in the existing mechanisms for holding PCCs to account, what PCCs can do to improve accountability to the public and how PCCs are ensuring transparency in their decision making. The Committee is also interested to know 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. The Committee has asked specifically 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?
7. PCCs are public authorities for the purposes of FOIA. Section 19 of FOIA requires every public authority to adopt and maintain a publication scheme which has been approved by the Information Commissioner and to publish information in accordance with that scheme.
8. The scheme should specify:
 - Classes of information which the public authority publishes or intends to publish;
 - The manner in which the information is to be published, for example, online or in hard copy; and
 - Whether there is any charge for the information.

There is currently one approved Model Publication Scheme (Annex 1) which must be adopted by all public authorities. This scheme represents a commitment to publishing information within seven broad classes; it does not

specify particular pieces of information or charges. The seven classes are as follows:

Who we are and what we do – organisational information, location and contacts, constitutional and legal governance.

What we spend and how we spend it – financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.

What our priorities are and how we are doing – strategy and performance information, plans, assessments, inspections and reviews.

How we make decisions – policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations.

Our policies and procedures – current written protocols for delivering our functions and responsibilities.

Lists and registers – information held in registers required by law and other lists and registers relating to the functions of the authority.

The services we offer – advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.

9. My office has produced guidance to show the types of information we would expect particular types of authority to publish within each class, referred to as definition documents. Definition documents have been produced for Police Forces (Annex 2) and Elected Local Policing Bodies (PCCs) (Annex 3). We recognise that publication schemes must evolve in order to meet the needs of the public, and over the last two years all the definition documents, across the public sector, have been updated to reflect developments both in the law and sector-based initiatives to improve transparency. This has included guidance on publishing information in open re-usable formats and under the open government licence.
10. An important requirement of a publication scheme is that the public authority shall have regard to the public interest in allowing public access to information held by the authority and in the publication of reasons for decisions made by the authority. In this regard, and as can be seen in the definition documents, PCCs and police forces are expected to publish

information that will enable the public to scrutinise the performance of police forces and hold PCCs to account. For example, in the definition document for both police forces and PCCs, in the class 'What our priorities are and how we are doing', we recommend the publication of information under a variety of headings that relate to performance and accountability, such as 'Reports presented to the ELPB indicating service provision, performance assessments, operational assessments of the police force', 'Information on the performance of the ELPB' (both in the ELPB definition document) and 'Police performance assessments' (in the police forces definition document). In the classes 'What we spend and how we spend it' and 'How we make decisions' we also recommend publication of detailed information on financial accountability and the records of decision-making meetings. There is a wide range of other information which should be published in order to comply with the model publication scheme and which will aid transparency and thereby build trust with the public.

11. In adopting the model scheme, a public authority is, amongst other things, making a commitment to publish information as a matter of routine and making clear how the information is made available. The intention of a publication scheme is that information is made easily accessible. As each public authority has a duty to maintain and review its scheme, we expect that the published information is accurate and up to date. In the past we have undertaken monitoring of selected public authorities to assess compliance with their publication scheme obligations and this is something we may undertake in the future in order to assess compliance in the light of the updated definition document guidance.
12. The Committee has asked whether there is sufficient transparency of propriety information from PCCs, for example published information on expenses, registers of interest, gifts and hospitality and external meetings?
13. Our definition document guidance for Elected Local Policing Bodies (PCCs) also states that information under most of these categories would be expected to be published in order to comply with the model publication scheme. In the class 'What we spend and how we spend it' we would expect PCCs to publish details of the allowances and expenses incurred by or paid to Police and Crime Commissioners and individual senior staff by reference to categories.
14. In the class 'Lists and registers' we would expect PCCs to publish both registers of interest and registers of gifts and hospitality. This would

include the name of the organisation providing the gift and/or hospitality. External meetings are not referred to specifically in the definition document guidance, although the details of gifts and hospitality will provide an indication of some of these. Moreover, as we say in the introductory paragraphs to the definition documents, the guidance is not intended to cover all the information that is covered by a publication scheme. Public authorities should be providing as much information as possible on a routine basis.

15. It is important that the Police forces and PCCs devote resources to updating and maintaining their publication scheme. New or re-launched publications will often be of a good standard but standards can fall over time as staff roles changes or websites are redesigned. It is important that responsibilities for maintaining publication schemes are clearly assigned and policies and procedures are in place to facilitate their maintenance.
16. Within the limits of the resources available my office monitors the publication schemes for different parts of the public sector. The most recent monitoring exercise for the police took place in 2010 - it revealed a mixed picture - 26 out of the 90 authorities (approximately 30%) did not appear to be operating an approved publication scheme. Given the limited resources my office has available to monitor compliance of public authorities we plan to explore ways to do this in partnership with other stakeholders e.g. bodies who represent or oversee police forces and PCCs.
17. PCCs are also subject to the provisions of the Elected Local Policing Bodies (Specific Information) Order 2012 which includes additional responsibilities in terms of publication of information.
18. My office would be happy to provide any further information which may assist the Committee.

Christopher Graham
Information Commissioner
28 November 2014

Annexes

Annex 1 – Model Publication Scheme

Annex 2 – Definition Document for Police Forces

Annex 3 – Definition Document for Elected Local Policing Bodies (PCCs)

Freedom of Information Act

Definition document for police forces

This guidance is for those police forces which are strategically managed by a Police and Crime Commissioner¹ (PCC) or Police Board. It gives examples of the kinds of information that we would expect them to provide in order to meet their commitments under the model publication scheme. Police forces which are managed in a different way may need to consult more than one definition document.

We would expect police forces to make the information in this definition document available unless:

- they do not hold the information;
- the information is exempt under one of the FOIA exemptions or Environmental Information Regulations exceptions, or its release is prohibited under another statute;
- the information is archived, out of date or otherwise inaccessible;
- or,
- it would be impractical or resource-intensive to prepare the material for routine release.

Where information is readily and publicly available from an external website (such as that of a PCC or Police Board) to which the police force has already provided it – the police force must provide a direct link to that information.

The guidance is not meant to give an exhaustive list of everything that should be covered by a publication scheme. The legal commitment is to the model publication scheme, and forces should look to provide as much information as possible on a routine basis.

Publishing datasets for re-use

Public authorities must publish under their publication scheme any dataset they hold that has been requested, together with any updated versions, unless they are satisfied that it is not appropriate to do so. So

¹ For the Metropolitan Police Service, this is the Mayor's Office for Policing and Crime

far as reasonably practicable, they must publish it in an electronic form that is capable of re-use.

If the dataset or any part of it is a relevant copyright work and the public authority is the only owner, the public authority must make it available for re-use under the terms of a specified licence. Datasets in which the Crown owns the copyright or the database rights are not relevant copyright works.

The Datasets Code of Practice recommends that public authorities make datasets available for re-use under the [Open Government Licence](#).

The term 'dataset' is defined in section 11(5) of FOIA. The terms 'relevant copyright work' and 'specified licence' are defined in section 19(8) of FOIA. The ICO has published [guidance](#) on the dataset provisions in FOIA. This explains what is meant by "not appropriate" and "capable of re-use".

Who we are and what we do

Organisational information, structures, locations and contacts.

We would expect information in this class to be current information only.

- **Force structure**

An outline of the structure of the police force by reference to geographic and other divisions should be included.

- **Profiles of the Chief Officer, Deputy Chief Constable or Deputy Commissioner, Assistant Chief Constables or Assistant Commissioners and Divisional or Area Commanders.**
- **Identity of senior civilian staff**
- **Location of police stations (including mobile units) and public opening hours**
- **Contact details**

Police forces should already be publishing as much information as possible about how they can be contacted in addition to emergency numbers. This should, at least, give some indication of the role of the contact, phone number and, where used, email address. Where possible, give named contacts.

- **Relationships with other authorities**

It will assist members of the public to appreciate the role of the police force if partnership or joint board arrangements with other authorities, for example a road safety partnership or the local criminal justice board, are

detailed and the relationships with the PCC or Police Board, central government departments, the CPS and the IPCC are outlined. If terms of reference for the arrangements are produced, we would expect these to be published.

- **Arrangements for special constables and civilian volunteers**
- **Sponsorship arrangements with businesses**

What we spend and how we spend it

Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit.

We would expect as a minimum that information for the current and previous two financial years should be available.

- **Annual statement of accounts**
- **Force budget (as agreed by PCC or Police Board)**
- **Expenditure**

Details of expenditure over £500, including costs, supplier and transaction information (monthly).

- **Procurement procedures**
- **Details of contracts currently being tendered**
- **Contracts**

We would normally only expect the force to publish contracts and invitations to tender that exceed £10,000. A list of contracts under £10,000 should also be published to include value, identity of the parties and purpose of the contract.

- **Expenses paid to or incurred by the Chief Officer, Deputy and Assistant Chief Constables or Commissioners**

This should include expenses referenced by categories such as travel, subsistence and accommodation.

- **Pay and grading structure**

This may be provided as part of the Force structure and should, as a minimum, include senior employee salaries (over £58,200). The salaries should be stated in bands of £5,000. For those earning less than £58,200, levels of pay should be identified by salary range.

The 'pay multiple' – the ratio between the highest paid salary and the median average salary of the whole of the authority's workforce.

- **Evaluation of police use of resources**

To include any formal evaluation of the police use of resources.

- **Support for the provision of Community Support Officers**

Information about the employment of Community Support Officers (including details on how they are funded).

- **Financial regulations**

What our priorities are and how we are doing

Strategies and plans, performance indicators, audits, inspections and reviews.

We would expect as a minimum that information for the current and previous two financial years should be available.

- **Strategic plans**

While the strategic plan is likely to be drawn up by the PCC or Police Board in conjunction with the Chief Officer, we would expect that there is ready access to it from the police force.

- **Annual policing plan**
- **Area policing plans**
- **Chief Officer's annual report**
- **Police performance assessments**
- **Police Force statistics**

We would expect police forces to make available to the public statistics which indicate the performance of the force and other statistical information that is used for force management decisions. This will include crime statistics published on the www.police.uk website. Care should be taken to make sure that individuals cannot be identified, particularly where low numbers are recorded.

- **Neighbourhood policing arrangements**

Procedures and arrangements for neighbourhood policing together with contact details.

- **Reports from independent custody visitors**
- **Monitoring record of "Stop and Account"**
- **Privacy impact assessments (in full or summary format)**

<p>How we make decisions Decision making processes and records of decisions.</p>
<p>We would expect as a minimum that information for the current and previous two financial years should be available.</p> <ul style="list-style-type: none"> • Agenda and minutes for the senior decision making committee • Feedback from public consultation and surveys <p>We would not expect information that might damage the operations of the police to be revealed.</p>
<p>Our policies and procedures Current written protocols, policies and procedures for delivering our services and responsibilities.</p>
<p>We would expect information in this class to be current information only.</p> <ul style="list-style-type: none"> • Policies and procedures for the conduct of police force business • Policies and procedures for the provision of policing services • Policies and procedures about the recruitment and employment of staff <p>Where police forces have written policies and procedures falling into these three categories there should be ready access to them. A number of policies, for example equality and diversity, health and safety and conduct, will cover both the provision of services and the employment of staff. If a police force has an Equality Scheme, this should be made available. A policy for outside business interests of officers would be both a policy for the conduct of business and an employment policy. If vacancies are advertised as part of recruitment policies, details of current vacancies will be readily available. It is recognised that releasing some policies or parts of them would impact adversely on the operational activities of the police and that these should not be generally available. As much information should be made available without damaging operational requirements. Policies and procedures for handling requests for information should be included.</p> <p>Where procedures are developed in combination with other public authorities, these should also be available.</p> <ul style="list-style-type: none"> • Records management and personal data policies

This will include information security policies, records retention, destruction and archive policies, and data protection (including data sharing) policies.

- **Fileplans** (or any other Business Classification Scheme used for the management of information)
- **Customer service standards and complaint procedure**

Standards for providing services to the public, including the complaint procedure. Complaints procedures will include those covering requests for information and operating the publication scheme.

- **Charging regimes and policies**

Details of any statutory charging regimes should be provided. Charging policies should include charges made for information routinely published. They should clearly state what costs are to be recovered, the basis on which they are made, and how they are calculated.

If the public authority charges a fee for licensing the re-use of datasets, it should state in its guide to information how this is calculated and whether the charge is made under the Re-use Fees Regulations or under other legislation. It cannot charge a re-use fee if it makes the datasets available for re-use under the Open Government Licence.

Lists and registers

We expect this to be information contained only in currently maintained lists and registers.

- **Information held in registers required by statute**

If police forces are required to maintain any register and make the information in it available for public inspection, the existing provisions covering access will usually be adequate. However, we expect forces to publicise which public registers they hold, and how the information in them is to be made available to the public. Where registers contain personal information, police forces must ensure that they consider the data protection principles.

- **Asset registers**

We would not expect police forces to publish all details from all asset registers. We would, however, expect the location of public land and building assets and key attribute information that is normally recorded on

an asset register to be available along with some other information from capital asset registers.

- **Information asset register**

If a police force has prepared an information asset register, it should publish the contents.

- **CCTV**

Details of the locations of any overt CCTV surveillance cameras operated by the police force.

- **Registers of interests**
- **Register of gifts and hospitality (senior personnel)**

This should include details of gifts, given or received; details of any hospitality afforded and by which organisation. Gifts and hospitality declined should also be included.

- **FOI disclosure log**

If a police force produces a disclosure log indicating the information provided in response to requests, it should be readily available. Disclosure logs are recommended as good practice.

Services provided by the police force

Information about the services provided by the police force, including leaflets, guidance and newsletters produced for the public and businesses.

We would expect information in this class to be current information only.

- **Advice and guidance for the general public**
- **Firearms and explosives licensing, firearms dealers licensing, abnormal load escort, keyholder services**
- **Police college or learning centre**
- **Ceremonial duties**
- **Museum**
- **Local campaigns**
- **Media releases**
- **Details of the services for which the police force is entitled to recover a fee together with those fees.**

Model publication scheme

Freedom of Information Act

This model publication scheme has been prepared and approved by the Information Commissioner. It may be adopted without modification by any public authority without further approval and will be valid until further notice.

This publication scheme commits an authority to make information available to the public as part of its normal business activities. The information covered is included in the classes of information mentioned below, where this information is held by the authority. Additional assistance is provided to the definition of these classes in sector specific guidance manuals issued by the Information Commissioner.

The scheme commits an authority:

- To proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by the authority and falls within the classifications below.
- To specify the information which is held by the authority and falls within the classifications below.
- To proactively publish or otherwise make available as a matter of routine, information in line with the statements contained within this scheme.
- To produce and publish the methods by which the specific information is made routinely available so that it can be easily identified and accessed by members of the public.
- To review and update on a regular basis the information the authority makes available under this scheme.
- To produce a schedule of any fees charged for access to information which is made proactively available.
- To make this publication scheme available to the public.
- To publish any dataset held by the authority that has been requested, and any updated versions it holds, unless the authority is satisfied that it is not appropriate to do so; to publish the dataset, where reasonably practicable, in an electronic form that is capable of re-use; and, if any information in the dataset is a relevant copyright work and the public authority is the only owner, to make the information available for re-use under a specified licence. The term 'dataset' is defined in section 11(5) of the Freedom of Information Act. The terms 'relevant copyright work' and 'specified licence' are defined in section 19(8) of that Act.

Classes of information

Who we are and what we do

Organisational information, locations and contacts, constitutional and legal governance.

What we spend and how we spend it

Financial information relating to projected and actual income and expenditure, tendering, procurement and contracts.

What our priorities are and how we are doing

Strategy and performance information, plans, assessments, inspections and reviews.

How we make decisions

Policy proposals and decisions. Decision making processes, internal criteria and procedures, consultations.

Our policies and procedures

Current written protocols for delivering our functions and responsibilities.

Lists and registers

Information held in registers required by law and other lists and registers relating to the functions of the authority.

The services we offer

Advice and guidance, booklets and leaflets, transactions and media releases. A description of the services offered.

The classes of information will not generally include:

- Information the disclosure of which is prevented by law, or exempt under the Freedom of Information Act, or is otherwise properly considered to be protected from disclosure.
- Information in draft form.
- Information that is no longer readily available as it is contained in files that have been placed in archive storage, or is difficult to access for similar reasons.

The method by which information published under this scheme will be made available

The authority will indicate clearly to the public what information is covered by this scheme and how it can be obtained.

Where it is within the capability of a public authority, information will be provided on a website. Where it is impracticable to make information available on a website or when an individual does not wish to access the information by

the website, a public authority will indicate how information can be obtained by other means and provide it by those means.

In exceptional circumstances some information may be available only by viewing in person. Where this manner is specified, contact details will be provided. An appointment to view the information will be arranged within a reasonable timescale.

Information will be provided in the language in which it is held or in such other language that is legally required. Where an authority is legally required to translate any information, it will do so.

Obligations under disability and discrimination legislation and any other legislation to provide information in other forms and formats will be adhered to when providing information in accordance with this scheme.

Charges which may be made for information published under this scheme

The purpose of this scheme is to make the maximum amount of information readily available at minimum inconvenience and cost to the public. Charges made by the authority for routinely published material will be justified and transparent and kept to a minimum.

Material which is published and accessed on a website will be provided free of charge.

Charges may be made for information subject to a charging regime specified by Parliament.

Charges may be made for actual disbursements incurred such as:

- photocopying
- postage and packaging
- the costs directly incurred as a result of viewing information

Charges may also be made for information provided under this scheme where they are legally authorised, they are in all the circumstances, including the general principles of the right of access to information held by public authorities, justified and are in accordance with a published schedule or schedules of fees which is readily available to the public.

Charges may also be made for making datasets (or parts of datasets) that are relevant copyright works available for re-use. These charges will be in accordance with either regulations made under section 11B of the Freedom of Information Act or other enactments.

If a charge is to be made, confirmation of the payment due will be given before the information is provided. Payment may be requested prior to provision of the information.

Written requests

Information held by a public authority that is not published under this scheme can be requested in writing, when its provision will be considered in accordance with the provisions of the Freedom of Information Act.

Freedom of Information Act 2000

Definition document for Elected Local Policing Bodies

This guidance gives examples of the kinds of information that we would expect Elected Local Policing Bodies in England and Wales (Police and Crime Commissioners and the Mayor's Office for Policing and Crime) to provide in order to meet their commitments under the model publication scheme.

We would expect these bodies to make the information in this definition document available unless:

- they do not hold the information;
- the information is exempt under one of the FOIA exemptions or Environmental Information Regulations exceptions, or its release is prohibited under another statute;
- the information is readily and publicly available from an external website; such information may have been provided either by the elected local policing body or on its behalf. The elected local policing body must provide a direct link to that information;
- the information is archived, out of date or otherwise inaccessible; or,
- it would be impractical or resource-intensive to prepare the material for routine release.

The guidance is not meant to give an exhaustive list of everything that should be covered by a publication scheme. The legal commitment is to the model publication scheme, and public authorities should look to provide as much information as possible on a routine basis.

Publishing datasets for re-use

Public authorities must publish under their publication scheme any dataset they hold that has been requested, together with any updated versions, unless they are satisfied that it is not appropriate

to do so. So far as reasonably practicable, they must publish it in an electronic form that is capable of re-use.

If the dataset or any part of it is a relevant copyright work and the public authority is the only owner, the public authority must make it available for re-use under the terms of a specified licence. Datasets in which the Crown owns the copyright or the database rights are not relevant copyright works.

The Datasets Code of Practice recommends that public authorities make datasets available for re-use under the [Open Government Licence](#).

The term 'dataset' is defined in section 11(5) of FOIA. The terms 'relevant copyright work' and 'specified licence' are defined in section 19(8) of FOIA. The ICO has published [guidance](#) on the dataset provisions in FOIA. This explains what is meant by "not appropriate" and "capable of re-use".

Who we are and what we do

Organisational information, structures, locations and contacts.

We would normally expect information in this class to be for the current year only.

- **Structure of the Elected Local Policing Body (ELPB)**

Names and profiles of the Police and Crime Commissioner and Deputy Police and Crime Commissioner. Identity of Officers of the Elected Policing Body and senior staff (for the purposes of this document, those earning £58,200 per annum or above). Details of internal boards/committees and names of those who sit on them. (In relation to officers, senior staff and members of internal boards/committees, consent to disclosure of names may be refused if there is a legitimate reason.)

- **Staff structure of the Elected Local Policing Body**

Basic staff structure, such as organisational structure, and other details indicating the ELPB's administrative support.

- **Contact information**

Contact details, preferably by reference to name and address for correspondence.

- **Geographical area of operation**

- **General outline of responsibilities**
- **Appointment of independent custody visitors and associated arrangements**
- **Relationships with other bodies**

Partnership arrangements, or other joint arrangements, with statutory and non-statutory partners and relationships with other key bodies.

What we spend and how we spend it

Financial information relating to projected and actual income and expenditure, procurement, contracts and financial audit.

We would expect as a minimum that financial information for the current and previous two financial years should be available.

- **The budget of the ELPB (including the total amount allocated to the Police Force)**
- **Annual statement of the ELPB's accounts**
- **Policing precept and/or information on other sources of income, including grants**
- **Annual investment strategy**
- **Expenditure**

Details of items of expenditure over £500, including costs, supplier and transaction information (monthly).

- **Details of contracts currently being tendered**
- **Contracts**

We would normally only expect the ELPB to publish contracts and invitations to tender that exceed £10,000. A list of contracts under £10,000 should also be published, to include value, identity of the parties and purpose of the contract.

- **Expenses and allowances paid to or incurred by the ELPB and senior employed staff**

Details of the allowances and expenses that can be claimed or incurred. It should include the total of the allowances and expenses incurred by or paid to Police and Crime Commissioners and individual senior staff, by reference to categories. These categories should be produced in line with the ELPB's policies, practices and procedures and will be under headings like travel, subsistence and accommodation.

- **Pay and grading structure**

This may be provided as part of the ELPB structure and should, as a minimum, include senior staff salaries. The salaries should be stated in bands of £5,000. For those earning less than £58,200 per annum, levels of pay should be identified by salary range.

The 'pay multiple' – the ratio between the highest paid salary and the median average salary of the whole of the workforce.

- **Annual audit letter**
- **Financial audit reports**
- **Internal financial regulations and delegated authority**

What our priorities are and how we are doing

Strategies and plans, performance indicators, audits, inspections and reviews.

We would expect information in this class to be available at least for the current and previous two years.

- **Police and Crime Plan or other strategic plan or local policing objectives set for the Police Force**
- **Annual Report**

This will comprise the report on the exercise of the ELPB's functions and the progress made in meeting the objectives in the police and crime plan.

- **Reports presented to the ELPB indicating service provision, performance assessments, operational assessments of the police force**
- **Information on the performance of the ELPB**
- **Reports by external inspectors and auditors**

This will also include responses to HMIC about inspection reports on the Police Force.

- **Statistical information provided to the ELPB**
- **Privacy impact assessments (in full or summary format)**

How we make decisions

Decision making processes and records of decisions.

We would expect information in this class to be available at least for the current and previous two years.

- **Schedule of meetings open to the public**
- **Agendas and approved minutes of each public meeting and any other decision-making meetings**
- **Background papers for meetings open to the public**
- **Records of important decisions**

These will be records of decisions arising from the exercise of the ELPB's functions made either at meetings or elsewhere.

- **Procedures, facts and analyses of facts used for decision making**
- **Public consultations**

Details of consultation exercises, with access to the consultation papers. The results and outcomes of public policing consultation exercises and surveys.

Our policies and procedures

Current written protocols, policies and procedures for delivering our services and responsibilities.

We would normally expect information in this class to be for the current year only.

- **Policies and procedures for the conduct of the ELPB's business**

Standing Orders, delegated powers, corporate governance, consent or governance framework, code of conduct, memoranda of understanding and similar information.

- **Policies and procedures for the provision of services**

This will include any policies and procedures for handling requests for information.

- **Policies and procedures for procurement and commissioning arrangements**
- **Policies and procedures about the employment of staff**

Where the ELPB employs its own staff, or shares staff with another body (for example, the police force), details of the policies in place. Where staff are employed through another body, reference to the policies of that body. If vacancies are advertised as part of recruitment policies, details of current vacancies will be readily available.

N.B. where the ELPB has written policies and procedures falling within the above three categories, there should be ready access to them. A number of policies, for example equality and diversity, health and safety and conduct, will cover both the provision of services and the employment of staff. If an ELPB has an Equality Scheme, this should be made available. A policy for outside business interests of senior employees and staff would be both a policy for the conduct of business and an employment policy.

Where procedures are developed in combination with other public authorities, these should also be available.

- **Complaints procedures**

This will include procedures for handling/overseeing complaints against the Chief Constable and the police force as well as complaints against the policing body. Complaints procedures will include those covering requests for information and operating the publication scheme.

- **Records management and personal data policies**

This will include information security policies, records retention, destruction and archive policies, and data protection (including data sharing) policies.

- **Fileplans** (or any other Business Classification Scheme used for the management of information – high level only)
- **Charging regimes and policies**

Details of any statutory charging regimes should be provided. Charging policies should include charges made for information routinely published. They should clearly state what costs are to be recovered, the basis on which they are made, and how they are calculated.

If the ELPB charges a fee for licensing the re-use of datasets, it should state in its guide to information how this is calculated and whether the charge is made under the Re-use Fees Regulations or under other legislation. It cannot charge a re-use fee if it makes the datasets available for re-use under the Open Government Licence.

Lists and registers

We expect this to be information contained only in currently

maintained lists and registers.

- **Any information we are legally required to hold in publicly available registers**
- **Asset register**

We would not expect an ELPB to publish all details from all asset registers. We would, however, expect the location of public land and building assets and key attribute information that is normally recorded on an asset register to be available along with some other information from capital asset registers.

- **Information asset register**

If an ELPB has prepared an information asset register, it should publish the contents.

- **Registers of interests**
- **Register of gifts and hospitality (senior personnel)**

This should include details of gifts, given or received and details of any hospitality afforded and by which organisation. Gifts and hospitality declined should also be included.

- **Disclosure log**

Where an information disclosure log is produced indicating the information that has been provided in response to FOI requests it should be readily available. Disclosure logs are themselves recommended as good practice.

The services we offer

Information about the services we offer, including leaflets, guidance and newsletters.

In general, this will be an extension of the first class of information, 'Who we are and what we do', as it will detail the services that the organisation provides. The starting point would normally be a list of the services that fall within the responsibility of the organisation, linked to details of those services.

- **Information about any services provided by the ELPB**
- **Leaflets and explanatory booklets**
- **Media releases**
- **Any services provided by the ELPB for which the ELPB is entitled to recover a fee, together with those fees**

Dear Sir,

Local Policing – accountability, leadership and ethics

I am pleased to submit the Institute's response to the above paper and trust the comments are useful to your deliberations on the Committee's review of governance in elected Police and Crime Commissioners (PCCs) and the panels established to provide scrutiny.

About ICOSA

The Institute of Chartered Secretaries and Administrators (ICSA) is the professional body qualifying and supporting company secretaries and corporate administrators in all sectors of the UK economy. Members are educated in a range of topics including finance, HR, company law, administration and governance, which enable them to add value to any organisation.

ICSA is a leading international voice on corporate governance and delivers a professional education that derives its strength from the breadth of the syllabus; designed to assist boards and work with senior managers to identify and maximise opportunities within relevant legal frameworks and established best practice.

The Institute has some 10% of UK Members directly employed in the public sector, with many more involved on a voluntary basis in voluntary positions. In formulating the Institute's response to the above consultation document, members were approached for their views given the depth of their knowledge of the sector, compliance with relevant legislation and the importance of sound governance arrangements in effecting a change within the communities in which they operate.

General comments

The introduction of Police and Crime Commissioners has faced, and continues to face, a wide range of criticism. Low voter turnout and lack of public understanding as to the impact they have on local communities do not provide a strong foundation for their success. The recent child protection scandal in Rotherham and lack of mechanism to remove the commissioner, and accusations of senior staff being appointed on the basis of friendship rather than merit further fuels the public's scepticism of the need for, and value of, elected Police and Crime Commissioners.

The Committee's paper on the governance of PCCs is therefore warranted and welcomed. If PCCs are to make a positive impact on communities and the public's perception of effective policing, the governance framework must be, and must be seen to be, robust, effective and proportionate.

A significant measure that could provide greater confidence in the governance framework, transparency and accountability would be the establishment of a permanent secretariat to support both the commissioner and the panel. An independent and appropriately qualified governance and compliance professional would provide corporate memory for the Commissioner's post and expert guidance on the law, decision making and disclosure.

A permanent secretariat would be well positioned to develop and deliver a thorough induction programme for the Commissioner and police and crime panel members, along with identifying and providing ongoing development opportunities. They will be well-placed to provide guidance on the decision making process, and on developing and maintaining procedures for identifying and managing conflicts of interest.

Governance and compliance professionals have become a key element in the corporate governance structure of many organisations – whether public bodies, listed or unlisted companies or charities. They are recognised as influencing and monitoring the governance of an organisation by:

- advising the chairman and board members on new developments and compliance with codes of practice, ethical leadership, regulation and law
- being the source of information and advice about the organisation for lay members and paid employees as well as being a source of trustworthy information for stakeholders
- monitoring the governance implications of papers put to the decision making body
- ensuring the follow-up of governing body decisions.

This key role is carried out day by day as matters are being discussed and decided. Employees, the general public and other stakeholders, such as suppliers, have an important assurance that governance, public standards and corporate social responsibility issues are being recognised on an ongoing, not just periodic, basis. A formalised secretariat will provide appropriate assurance that proper procedures are followed and that corporate governance, regulation and appropriate laws do not get overlooked or deliberately forgotten.

Most importantly, a permanent and independent secretariat or governance and compliance professional will provide the elected PCC with more time to develop innovative approaches to improving policing for their communities, while being re-assured that their proposals, decisions and actions, meet the high standards expected of people in public office with the attendant level of scrutiny and challenge in place.

Response to paper questions

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

It appears that public accountability for elected PCCs can differ according to the individual elected. Some hold meetings in public and others may stream them over the internet. There is also a mixed story as to the role the panels play in holding PCCs to account.

To promote consistency, and make it easier to compare PCCs, it may be appropriate to introduce standards and practices that all PCCs should follow, where appropriate. For example, clear guidance as to the ways and means by which panels can hold PCCs to account and how the public can get involved would establish minimum standards and expectations, while providing more enlightened PCCs with the opportunity to introduce further mechanisms for being held to account.

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

As mentioned above, there is inconsistency across the PCCs as to the way in which they engage with the public and develop a framework of engaged accountability. Established minimum standards would be welcome to assure the public that elected officials are maintaining an appropriate democratic mandate between elections and are conducive to engaging with the public on policing and crime issues.

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

There is a mix of open and closed meetings in operation within, and across, PCCs. Where closed meetings are used some PCCs will publish minutes. For police and crime commissioner panel's there are examples of panel members being fully apprised of ongoing and future proposals and decisions. In other circumstances, [there are reports that] the panels have been under the impression that their views will be considered on particular matters only to find that the decision has been made without their input.

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?

Without a standard framework that details the mechanisms expected to be put in place by PCCs for enabling the public to scrutinise the performance of the police force and commissioner, it is unsurprising that frameworks have developed that are as varied and unique as the elected commissioners. This mosaic of performance disclosure makes it difficult for the public and other interested parties to compare and contrast performance across similar localities and communities.

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

It is difficult to answer this question without also asking what has worked best for the public and local communities. We believe that openness and transparency are key.

Q6. 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?**

The experience so far suggests that police and crime panels require additional powers in order to hold PCCs to account. In particular, the power to scrutinise very senior manager vacancies would be welcome to counter the accusations of cronyism or the creeping partiality of some candidates taking up assistant commissioner roles.

There should be a commitment for PCCs to ensure all appointments are made on merit by open, transparent and fair recruitment practices, although the legal framework currently provides for deputy commissioner positions not to be subject to the same rigours as other senior positions. This should be reviewed in order to bolster the public's confidence in the commissioner role.

In cases of a commissioner's behaviour not meeting the accepted standards of public office, there may be some merit in providing the panel with powers to censure commissioners. While this does not equate to an ultimate power of removal, it does provide the public with a strong message as to the trust and confidence the panel places in the commissioner. A public record of such votes are therefore likely to play an important role in the re-election of the commissioner.

Q7. 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?

As highlighted in previous responses, the picture is patchy and minimum standards of disclosure and reporting would assist the public.

Q8. 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 joint chief financial officer?

The effectiveness and appropriateness of joint committees or joint financial officers will very much depend on the individuals involved. For the promotion of transparency and increased scrutiny and confidence in the system, it would be preferable for joint appointments to be kept to a minimum, and a formal, professional secretariat to be appointed. A governance and compliance professional will put in place suitably robust and effective mechanisms to maintain and ensure appropriate levels of independence, constructive challenge and transparency in decision making arrangements. This person would also be well placed to advise members on managing conflicts of interest, whether real or perceived.

Q9. 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 should establish the vision for the local community regarding crime and policing, and plays an important role in ensuring that the tone is set from the top. Ongoing public support and confidence will very much depend on the way they perceive the commissioner is performing his or her duties in an ethical and honest manner. The commissioner should therefore have access to professional advice regarding expected standards of public conduct, not just at appointment and their induction, but on an ongoing basis.

Q10. 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 core values of policing in the face of all the other pressures on the force? How are any obstacles being overcome?

ICSA has no comment to make in response to this question.

Q11. Is there sufficient transparency of propriety information from PCCs, for example published information on expenses, registers of interests, gifts and hospitality and external meetings?

There is a mixed bag approach to public disclosure on these matter and standard minimum requirements, and monitoring of those standards would be welcome. An individual within the police and crime commissioner's staff should be given the responsibility to ensure that all such information is provided, as required by the legislation, in a manner that makes it easy for the public to find and understand.

Monitoring of disclosure levels and the quality of disclosure could be undertaken by the police and crime panel, as part of their function of holding the commissioner to account and promoting public confidence in the office.

Q12. 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?

Scanning media coverage of PCCs would suggest that there is a greater need for conflicts of interests to be identified, declared and managed in a more fulsome and transparent manner. The measures mentioned in previous comments would go some way to improving the integrity and robustness of dealing with these issues.

It is hoped that the above comments are useful to you in your deliberations relating to the development of governance arrangements within PCC roles and their associated panels. Should you wish to discuss any points in further detail, or how ICOSA may be able to assist you in your endeavours on this topic, please do not hesitate to contact me.

Yours faithfully,

Louise Thomson FCIS
Head of Policy, Not for Profit
ICOSA



AUDIO <http://www.bbc.co.uk/programmes/b04d4n8l>

<http://thinbluelineuk.blogspot.ca/>

"I can tell the House that we will be reviewing the whole police disciplinary system from beginning to end. This review will be chaired by Major-General Clive Chapman, an experienced, independent and respected former Army officer, and I want it to draw on best practice from the private and public sectors. I have asked Major-General Chapman to look for ways to ensure that the disciplinary system is clearer, more independent and public-focused. I intend to consult publicly on the policies that emerge from the review later this year. In addition to the review, I want to make some specific changes to the police disciplinary system. In particular, I want to hold disciplinary hearings in public to improve transparency and justice, and I will launch a public consultation on these proposals later this year."

<http://www.theyworkforyou.com/debates/?id=2014-07-22c.1265.0&s=corruption#g1265.1>

<http://www.telegraph.co.uk/news/uknews/crime/10983432/Corrupt-police-could-face-new-secret-investigations-says-Theresa-May.html>

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?

<http://www.pcps-direct.net/news/167/police-accountability-inquiry-by-committee-on-standards-in-public-life.htm>

<http://www.paradata.org.uk/people/clive-chapman>

Parachute Regiment Masonic Lodge: should military, police, police commissioners, and judges be allowed to join secret societies?

What if they need to investigate each other?

Would there be a conflict of interest?

Jean James

Local Policing – accountability, leadership and ethics Issues and Questions paper

Response to the Committee on Standards in Public Life consultation from The Earl of Lytton REVISED version 2

Prefatory remarks

I would like to say how much I welcome the Committee investigation into this area of public administration. Its political independence makes it a very valuable body for this purpose.

My own interest in policing is entirely a parliamentary one but goes back to the 1990s when I first became interested in the accountability and finances of ACPO. Since returning to the House of Lords in May 2011, I have been raising issues of recording of crime by the police, the activities (including commercial activities) and transparency of ACPO and the implications for the wider probity of - and public confidence in the police. I have done so because I believe the police is a vital public service which of necessity is the repository of a great deal of trust by the populace at large and its integrity and functional proficiency is key to the rule of law and public order.

The comments in this response are entirely my own, are made as a parliamentarian and do not represent those of any other person or body. I have not been lobbied over this consultation though I have encouraged others to respond. My comments are mainly an overview. To that end I am dependent on research by others and I cannot claim to have read every document pertaining to the subject, even less to have made an exhaustive examination of the ones I have read. I do not have a detailed personal knowledge of Police and Crime Commissioners or Police and Crime Panels. I have however met with and discussed policing issues with senior ACPO officers, with my local Chief Constable (as part of a parish group meeting), convened a meeting in the Palace of Westminster with Police Federation representatives, caused a debate to be held into police recording of crime and spoken in other debates on issues of policing. I have become part of a highly informative extra-parliamentary email group which consists primarily of former police officers and academics. I receive many emails on police shortcomings though not all of these are useful. I have corresponded and met with members of the public who believe they have been seriously and adversely affected by the actions of the police.

There have been many reported scandals and shortcomings in recent years and a significant number of forces or their Chief Constables have come under suspicion. However some key constructs which affect policing also feature in other areas of public administration, notably health, education and taxation. I have formed the clear impression that current the state and condition of our public services is such that those who serve in them and whose intentions and motives for doing so are rightly held by them and perceived by the public to be a noble purpose, have nevertheless allowed their guard to slip. I refer to the apparent belief that the protocols relating to the activities in which they are engaged and the protection of the very exercise of authority/retention of control over the citizen in that behalf, has become the prime consideration in priority to individual citizens' entitlement to fair and just treatment and respect for individual rights.

One aspect of this is the construct of performance management, a tool widely used in industry for measuring outputs and optimising productive capacity. However in the public service where outputs are not monetised, the target culture successfully warps the process as was seen in the recent Mid-Staffordshire health scandal. This perversion of performance management is well illustrated by Professor Barry Loveday (University of Portsmouth) in his article in (?) 2010 in Police Review in which he illustrates how the collectivisation of administrative risk and the abrogation of individual responsibility and leadership, are associated with the target led culture of public sector performance management.

On these premises (which I cannot prove but believe exist widely), much depends and much that would otherwise be incomprehensible is explained. In its extreme form, the ends **can be used** to justify (almost any) means. This in turn leads to malpractice and even corruption. It is this construct that informs my responses below.

My answers to the following questions are in bold face.

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

PCCs were elected with a very low (15%) turnout. Many of them were party political placemen. The panels to which PCCS are responsible are formed from local (principal) authority members. This sector of local government also suffers from voter disinterest. Principal authorities suffer furthermore from a series of shortcomings:

- **they are riven with party political considerations which turn off many voters and often fail the test of political independence and objectivity.**
- **some of the politicking is seen as petty and inconsequential, missing the really important issues.**
- **they often fail to capture the attention of people at community (especially parish) level which though PCSOs are in fact more in tune with many aspects of local policing and in some cases fund the PCSO; [here I declare an interest as immediate past president of the Sussex county association of local councils (SALC) and the National Association of Local Councils (NALC)].**

Furthermore, some PCCs are perceived as being very 'close' to their Chief Constable which may obstruct their objectivity and ability to hold the CC to account

Also, some PCCs having been elected on a political wicket are not seen as adequately separated from the PCP to which they are responsible.

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

A number of PCCs are potentially conflicted; in Kent, the PCC was previously chair of the police authority which apparently presided over failings in police recording of crime (gaming of crime figures) that subsequently came to light and resulted in the CC resigning; the Rotherham sexual exploitation scandal revealed that the failure of the police and local authorities to act had happened on the watch of the PCC in his previous local government role; the Hampshire PCC is the recipient of payments to ACPO Criminal Records Operation (ACRO) – which handles CRB checks on individuals - an arrangement

to which I have previously drawn attention in parliamentary debate and questioned; in South Wales the PCC is a former Home Office Minister on whom the inherited responsibility fell for the failure to hold the police to account over a high profile case involving the fabrication of evidence against innocent citizens (the Cardiff Three). The force subsequently lost the files, the ensuing corruption case collapsed and was never further investigated as far as I know. I have recently had reason to point out to the Home Office that the same force appeared to have knowingly used concocted digital evidence to secure a conviction in the magistrates court which suggests to me that the culture has not changed and that the PCC is not minded to take the appropriate action. The most recent HMIC reports from its rolling audit, appears to find continuing cause for concern in Dorset and Sussex though the Sussex PCC website (as of 29/11/2014) appears to paint the findings in a wholly positive light suggesting reputational protection rather than response to criticism.

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

I don't know enough about the activities of PCCs on the ground generally to comment. In Sussex where I live, the PCC goes out of her way to engage parish and town council members. The Sussex PCC website proclaims: "The PCC is ultimately responsible to the Sussex electorate for their performance in office. However, a Police and Crime Panel (PCP) in each Force area has the power to scrutinise the PCC's activities, including the ability to review the Police and Crime Plan and annual report, request PCC papers and call the PCC to public hearings. The PCP can also veto decisions on the local Council Tax precept and the appointment of a new Chief Constable. The Panel do not hold the police to account as that is the role of the elected PCC."

However, the accountability by these means is at best indirect and the resultant distance from a disengaged electorate means that accountability is dulled. Potentially the presentation by PCCs of their own activities and successes may serve to project the PCC's own reputation and enhance prospects for re-election rather than provide an objective critique on behalf of the electorate

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?

I cannot comment in relation to the country as a whole but information on the web as per the previous answer suggests that most members of the public will not see PCC performance as something directly affecting them and may be coloured by political 'spin'.

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

Sussex PCC's engagement with parish and town councils has been beneficial. Whether that results in better public engagement is unclear at present.

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?

I certainly think that limiting PCP membership to principal authorities who are increasingly remote from the construct of 'community' and are quite politicised, was probably a failing. Allowing the candidates to be party political selections (or at any rate giving that appearance) was an allied failing.

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

No better than the standing and esteem that the principal authorities command generally – vide local council and PCC election turnouts.

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?

It is too early in my opinion to say. The arrangements for PCCs are in my view, still bedding in. It is right that the veto should be a high threshold test as a general principle.

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, probably but the PCP itself has to be free from bias, political or otherwise.

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

I had assumed there to be a binding code of conduct for PCCs that encapsulates the Nolan Principles. If not or its spirit is being ignored, this is a serious shortcoming

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?

Local communities ought to be directly represented on the PCP in my opinion. Given the concept of localism, it was not a reasonable conclusion that principal authorities accurately represent community or 'neighbourhood'. In my opinion they do not. The arrangement seems to have been politically and administratively convenient rather than best practice in democratic accountability – but I may be biased! I declare an interest as an LGA vice president

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 commented on this earlier in my responses.

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 think it is too early in the life of the PCC construct to comment based on my own knowledge.

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?

PCCs will run into the same problem as Select Committees and other scrutineers over the question of police 'operations'. This requires a bit of explanation. In the 1920s, the commitment was given that there would be no political interference with police operations – the front line decision making and operation planning role. In more recent times this has morphed (in my opinion) into police resistance to ANY form of oversight of operational matters – which is not quite the same thing *in my opinion*. The

current Coalition Government has made much play of separating policing policy and taking that away from ACPO (a limited company membership body looking after the interests of senior police officers) by placing it in the remit of the College of Policing. It is my belief that in practice and on the front line, 'operations' will always trump 'policy' so I take the separation to be at best artificial and in practice a business as usual scenario for the police. This may explain why the Yorkshire Chief Constable when interviewed earlier this month by the Home Affairs Select Committee on the subject of a raid on the home of Sir Cliff Richard, eventually refused to answer further questions because he claimed they related to "operational matters".

In reality I do not believe the PCC has the ability or resources to monitor or control how the police use their powers of 'caution' or the use of the police computer systems to record offences (and may not even know how many systems are in use), or to patrol how police use their discretion to record crimes (or not) and recent HMIC reports on the widespread under-recording of crimes seem to highlight the ongoing PCC inability to deal with this. In short PCCs are prey to exactly the same failures to provide accurate information and the concealment behind the cloak of 'operations' as are select committees and probably ministers.

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?

I cannot comment. The past career history of some PCCs might, in the public's eye, be a more potent line of questioning as to fitness for office than the precise transparency and accountability of their current conduct.

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?

Given what I have set out above, I think my answer must be that there is still a way to go on this. It appears that some office holders may be insufficiently unaware of what constitutes a conflict of interest - the test being how this would appear to an uninvolved but observant member of the public NOT what the PCCs themselves might suppose.

Although not part of your questions, I feel obliged to point out several defects in the mechanisms for holding the police to account more generally.

IPCC which ought to be in the front line of this, is in fact almost an observer as far as complaints from the public are concerned. If one wishes to complain, it has to be done on line via the IPCC website. The website makes it clear that the complainant will be allocated to the force against which the complaint is made – so the same force that may be at fault gets to handle the matter. This is neither independent nor objective complaint handling. In the case of Death or Serious Injury (DSI) the matter is referred customarily to the Chief Constable of another force. This also is not seen as much more than the 'old boys network' by many members of the public.

The fact that IPCC is also staffed with police secondees or former police staff adds to the lack of confidence in impartiality.

HMIC as the other regulator certainly now has the resources but as has been pointed out by Dr Rodger Patrick in correspondence to HMIC, the methodology used in assessing police crime recording errors was itself suspect. In a recent report furthermore there was an apparently unsubstantiated assertion by Mr Winsor which is encapsulated in an email I sent to Dr Patrick an excerpt of which is as follows:

"I am unclear how (Mr Winsor) could have reached that conclusion at 7.87 of his report *Crime Recording – Making the Victim Count*, on any objective basis.

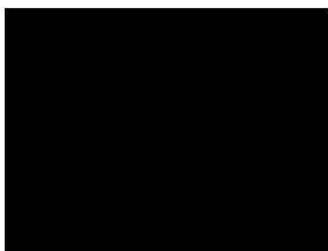
*7.87. However, several witnesses stated to PASC that they had evidence of improper pressures leading to the misrecording of crime. We reviewed the evidence they gave to PASC and wrote to 20 of the witnesses who, from their submissions, appeared to have direct evidence of performance pressure adversely affecting crime-recording decisions. We asked them to provide us with any additional material they may have about the accuracy of crime-recording so that our inspectors could investigate the matter further. One responded and was interviewed, but failed to provide us with any substantive evidence of such improper performance pressures. A second responded by letter, but he too failed to provide any evidence to substantiate his allegations of wrongful manipulation of crime data. **No reference to the follow up letter from Rodger Patrick – one wonders if he ever saw this***

*7.88. Another witness, a former officer of the Metropolitan Police, made elaborate assertions of highly improper practices in this respect; he was interviewed and asked to provide evidence to support what he said. He failed to produce any. **James P(atrick) states: I sent Winsor everything, including the transcript of the meeting at Scotland Yard, in which they refused to investigate it. By the time we met, this had been removed from the file and all that remained was the PASC evidence itself.***

(my text in red – JL)

I have seen the follow up letter from Dr Patrick which I thought was clear and unequivocal in its provision of further evidence. Who, one wonders, is ensuring the adequacy of the regulators?

I would be pleased to answer any queries on this response.



The Earl of Lytton
29th November 2014

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30th November 2014

Dear Sir or Madam

Response to your Inquiry on Local Policing – accountability, leadership and ethics.

Thank you for inviting me to submit a response to the above inquiry that you are currently conducting. As you may know, I have been very interested over the past two years in the initiative of introducing Police and Crime Commissioners in place of police authorities because of my longstanding interest in public governance issues within a criminal justice context. I attach a forthcoming book chapter on the subject that I have prepared earlier this year in light of a small research project based on interviews with a sample of nine PCCs – and where the focus of concern was the balance of accountabilities of PCCs in relation to the local public, police and crime panels, the Home Secretary, political parties (in cases where the office-holders were sponsored/supported by the Conservative or Labour Parties), other local criminal justice agencies, and chief constables. I hope the chapter conveys my overall conclusion that many of the fears and criticisms about a directly-elected office holder that were articulated at the outset in October 2012 have hardly materialised, and that for the most part, public accountability in police governance has been strengthened as a result of the initiative – though clearly to a variable degree around the country, as would surely be expected (and accepted) as a consequence of any local democratic governance structure based on individual candidatures. That this initiative started from a very low base of public understanding of the new role of PCC and information about the prospective policies of candidates is also to be taken into account in evaluating the initiative and its success or otherwise to date. Clearly the succession of negative media exposes of the actions and behaviours of a few PCCs, have also not helped. And generally, I have considered from the outset that a better model for police governance would have a directly-elected PCC chairing a police committee comprising nominated councillors from each of the constituent local authorities covering the police area – along the lines of the model that the Late Bob Jones had established in the West Midlands, though probably with more representatives around the table. In this way a wider group of councillors could play a leading role in building and sustaining strong local public accountability, not just a single office-holder – while also retaining the advantage of the PCC model of strong, informed and democratic leadership in holding the chief constable and force to account on behalf of the local public.

As to your particular questions, I feel I can only comment on those at paragraph 25 of your background paper and would respond as follows:

- i. The police and crime panels have, in my experience not proved very successful or worthwhile. As indicated above, I think the involvement of local councillors in working closely with the directly elected PCC as a committee (albeit with the PCC as final decision-maker) would work better in providing both better support and critical reflection. I also think PCCs ought to be called to account at least one per year by each of the overview and scrutiny committees – although I recognise this would require legislative change.
- ii. There should be annual priority-setting & performance plans produced by each PCC and with public reporting back on achievements against each priority in the subsequent annual report.
- iii. Generally I think PCCs have performed well in recording and reporting their key decisions and using their websites effectively in this respect to maximise accessibility of such information.
- iv. As stated above, there is scope for more public information provision on performance and priorities.
- v. PCCs have been far better than police authorities in getting out and about in their communities and being publicly accountable. Both for good and less good reasons, they are becoming some of the best known local democratic leaders, and that is a significant step forward.
- vi. As indicated, I do not favour the police and crime panel model. There is inevitably serious information asymmetry between the PCC and the panel and I would prefer to see existing local authority O&S committees holding PCCs to account in relation to crime in their respective areas. A committee of councillors to support the PCC – meeting bi-monthly would seem to me to provide additional strength to the PCC model – adding much needed local knowledge to inform decision-making as well as adding critical edge to the PCC's planning and decision-making.

Yours Sincerely

Professor John W Raine, BA PhD (Wales)
Principal Doctoral Research Supervisor and
Professor of Management in Criminal Justice
Institute of Local Government Studies

Electocracy with Accountabilities?

The Novel Governance Model of Police and Crime Commissioners.

John W Raine

University of Birmingham, U.K.

Introduction

The election across England and Wales on November 15th 2012 of forty one Police and Crime Commissioners (PCCs) marked the launch of an intriguingly novel governance model for policing, crime prevention and community safety at the local level. It was, however, a particularly inauspicious start. An embarrassingly low turn-out at the polls – among the lowest in British electoral history, with an average of just 14.7 per cent – only seemed to fuel the wave of scepticism that had accompanied the Parliamentary debate on the Government’s proposals and which had also been rife within professional policing and criminal justice circles, and, unsurprisingly, especially among the membership of police authorities that the directly-elected PCCs were to replace (Amman, 2013).

Somewhat paradoxically, such an underwhelming show of enthusiasm and democratic support for PCCs in the elections tended to have the effect of amplifying media interest in the new model and, in the ensuing months, a spate of media reports provided several of the new commissioners with much unexpected, albeit mostly negative, publicity. Initially at least, much of this focused on allegations of cronyism in the appointment of deputies and assistants to PCCs, and also on the higher-than-expected costs to the public purse of the new teams that the commissioners were establishing. In the West Midlands, for example, the PCC chose to make eight senior appointments; a Deputy Commissioner, three Assistant Commissioners and four Non-Executive Members, to form a Strategic Policing and Crime Board, that, to the critics at least, appeared as though the former police authority was being recreated in a new guise. Meanwhile, the Lincolnshire PCC made the national media headlines when his decision to suspend his acting chief constable for alleged misconduct ended up in the High Court with the quashing of the suspension (the allegation subsequently being withdrawn) and a bill for legal fees amounting to some £58,000 (The Guardian, 28/02/13). Similarly profiled was the saga of seventeen year-old Paris Brown, appointed as Youth Commissioner to assist the Kent PCC, but then resigning just a few days later in response to revelations about inappropriate ‘tweets’ she had posted two years earlier (BBC News, 09/04/13). There was also wide reporting of the conflict between the Gwent PCC and his chief constable, Carmel Napier, who, it was reported, had been pressurised into resigning (The Guardian, 02/07/13).

Such reports would undoubtedly have made particularly uncomfortable reading for the Home Secretary, since the proposals for the new governance model had so recently and narrowly survived a challenging Parliamentary process to reach the statute book. The discomfort continued with further negative headlines as the PCCs soon found themselves having to

implement significant cuts in police budgets in light of the Chancellor's tough public spending announcements in the Budget Statement (HM Treasury, 2013), leading to reductions in police numbers and the closure of a number of police stations. And their first year of office ended on a further low note when the Stevens Report (Independent Police Commission, 2013, p. 81) concluded that *'the PCC model is systemically flawed as a method of democratic governance'* and recommended its abolition. But then, as Newburn (2013) subsequently commented, the first anniversary of the introduction of PCCs felt "too early...for the Steven's Commission's attempt to bury them...", and ahead of their real impact becoming apparent.

Against this background, this chapter provides evidence of the work and contribution of PCCs in the first year of their office, and takes stock of the key changes that the new model has involved, it stops short of attempting to assess its merits and limitations. In particular, the chapter focuses on the various, and competing, accountability relations that characterise the PCC governance model. This is a model that, at face value at least, might seem to conform closely with the concept of 'electocracy' - a descriptor first used by Dawisha and Parrott (1997) to describe political systems offering citizens the opportunity to vote for their preferred candidate (or party group) but who, once elected, assumed all authority to govern until the next ballot. The term has subsequently been applied by others (see for example, Prasirtsuk, 2007; Kryshtanovskaya, 2008; Guinier, 2008; Walker, 2008; and Tierney, 2009) mostly to portray more autocratic (post-election) styles of leadership, for instance, in various East European and Asian political settings, most notably in post-Soviet Russia and Thailand. The chapter considers the aptness or otherwise of this descriptor by examining evidence drawn from an exploratory research project involving interviews with a sample of nine PCCs which examined the nature and strength of their different accountable relationships.

The nine were selected from across England and Wales; three from the north of the country; three from the midlands, and three from southern counties. The sample was further stratified by selecting from each such region, one PCC sponsored by the Conservative party, one by the Labour party, and one independent PCC (i.e. without affiliation to a formally-recognised political party). At the same time, care was taken in the selection process to ensure a reasonable cross-section of urban and rural of police force areas (the final sample comprising PCCs for two metropolitan force areas, four for more mixed urban/rural force areas, and three for force areas of more rural character). Two members of the sample were female while all nine were white (as, indeed, are all forty one PCCs).

While the overall representativeness of this sample, or indeed, of the pattern of responses derived from it, is uncertain,¹ it seems likely that the key findings and broad messages at least hold good for the wider picture across the country. The interviews were conducted (by the author) on a one-to-one basis and in a semi-structured format,² discussing in turn eight accountability relationships for PCCs, each hypothesised to be of potential significance in shaping the patterns of influence and impact of the new governance model. These were

¹For example, the sample did not include a PCC who had previously served as a police officer, although nationally, about 1 in 5 of the 41 who were elected had done so.

² In three of the nine cases, a senior assistant to the commissioner was also present for the interview.

respectively accountability with a) the public, b) police and crime panels, c) political sponsors, d) chief constables, e) central government, f) local community safety partnerships, g) agencies providing local criminal justice services, and h) other statutory criminal justice agencies³. The research also involved reviewing a range of documentary information published on each PCC's website around the time of the interview (including Annual Reports, Police and Crime Plans, budgetary and commissioning reports, policy statements, minutes of meetings, formal decisions, blogs, and other such communications).

Before turning to the key findings from this research, however, it should be helpful to describe in more detail the nature of the change in the governance model that was heralded by the first PCC elections in November 2012, and about the framework of relationships and hypothesised accountabilities that underpinned the research itself.

From Police Authorities to Police and Crime Commissioners

Several observers (for example, Raine and Keasey (2012); Lister (2014) and Davies, 2014) have suggested, the initial motive for introducing a regime of directly-elected police and crime commissioners lay in widely expressed doubts and dissatisfaction about the pre-existing arrangements for police governance of 'police authorities'. Although operative for half a century, since the Police Act 1964, those bodies - one per police force area - each comprising a mix of local councillors (nominated by their respective local authorities), magistrates and other appointed 'independent' members,⁴ had largely failed to achieve a strong public profile (Flanagan, 2008). Nor did they ever enjoy a strong reputation within policing and criminal justice circles for providing effective governance of policing, whether in shaping policy or holding senior police officers to account. To a large extent this state of affairs could be seen as an inevitable consequence of the lay and part-time status of their membership, and understandable deference towards the chief constable and senior commanders with their specialist policing knowledge and expertise. Perhaps too, it would reflect in part the potential weakness of collective 'committee-style' governance – with fifteen to twenty individuals supposedly sharing responsibility – compared with the 'strong leader' model (or the elected mayor model) that both the previous and current governments had wished to see replacing the 'committee system' in local government (Game, 2003).

Although a White Paper from the then New Labour government rehearsed the arguments about the weakness of police authorities (Home Office, 2008), the politicians at the time could not agree a way forward. So it fell to the succeeding Coalition government in 2010 to return to the issue and to pursue their own approach – that of the PCC. As so often in public policy, the model sought to draw from the experience of the US – in this case, from 'city police commissioners'. However, the parallel was hardly strong since, across the Atlantic, the commissioners are not directly elected but are either professional police officers or civilian administrators appointed by city mayors to undertake an oversight role for policing.

³ To protect and respect confidentiality no personal names or force areas are cited in this chapter.

⁴ The constitution of Police Authorities was amended by the Police and Magistrates' Courts Act 1994 to include 'independent members' appointed for their experience and skills from the local community, as well as representatives of the magistracy and local councillors nominated by their local authorities.

Also of significance in understanding the genesis of the new model, was the growing enthusiasm in both national and local political circles for greater pluralism in public service delivery through ‘commissioning’ from the private and third sector organisations as an alternative to ‘in-house’ provision (Bovaird, Briggs and Willis, 2013).

Another factor that would also play strongly in favour of the PCC model was the Coalition Government’s avowed commitment to the polity of ‘new localism’ and an end to the centralism that had come to be seen as a hallmark of the preceding New Labour government. In fact, as Lowndes and Pratchett (2012) noted, the roots of new localism were already well established in Labour’s ‘developing communities’ agenda. However, the Coalition Government’s much vaunted Localism Act 2011 – an eclectic mix of new statutes and, ironically, with as many additional powers for the centre as freedoms for local authorities (Jones and Stewart, 2011) - signified a clear intention to promote local leadership and local choice as the preferred approach wherever possible, and for which the opportunity for reforming police governance was seen as particularly timely and significant.

In similar vein was the Coalition Government’s enthusiasm for directly-elected leaders at local level and for the more decisive and efficient form of decision-making that it was presumed to invoke, in comparison with more corporate committee-style approaches to governance. Like New Labour before it, the Coalition Government sought to promote the concept of directly elected mayors in local government and, indeed, legislated to require local referenda on the issue in the twelve largest cities, albeit with little evidence of a body of public support for the idea.

The confluence of these various currents of thinking provided the momentum for the idea of directly-elected Police and Crime Commissioners to be taken forward as an early legislative priority for the Coalition Government, despite the arguments of the many critics, particularly about the risks of politicising policing.

Above all, the model implied three main changes; first, from an indirect to a direct electoral process for selecting ‘the governors’; second, from a collective and largely part-time approach to governorship to a more individualistic and essentially full-time one; and, third, from a relatively narrow and specific remit for policing to a wider-reaching responsibility that included crime reduction, prevention and community safety services as well. Importantly too, the framework of accountabilities would change. As Raine and Keasey (2012) have described, while elements of the traditional ‘tripartite relationship’ would continue (this implying a three-way division of responsibility between the police authority, the chief constable and the Home Secretary, respectively for local policing strategy and governance, operational policing, and national priorities), the introduction of a direct electoral process was particularly designed to build stronger local accountability with the voting public.

A Complex Framework of Accountability

In addition to the considerable literature specifically on police accountability (see for example, Reiner and Spencer, 1993; McLaughlin, 1994; Loveday, 2001; Leishman, Loveday and Savage, 2000; and Reiner, 2010) there is a relevant and rich body of scholarly writing on

the theme of accountability in public services more generally; the subject of accountability having long been of interest to students of public administration and public management (see for example, Romzek and Dubnick, 1987; Day and Klein, 1987; Hood, 1991; Ranson and Stewart, 1994; Sinclair, 1995; Pollitt, 1996; Mulgan, 2000; Lynn, 2006; Romzek, 2000; Behn, 2001; Dubnick, 2005; Bovens, 2005; and Dubnick and Yang, 2009). Much of this literature charts how, from its historic roots in relation to the ‘keeping of accounts’, the term ‘accountability’ has broadened in conception to embrace the reporting, scrutiny and third-party assessment of performance and, in so doing, has established itself as one of the watchwords of contemporary management practice in the public, private and voluntary sectors alike (Harlow, 2002). Various public administrative scholars have sought to categorise different forms of accountability (for example, Stewart, 1984; Dubnick, 2002; Bovens, 2007; and Erkkila, 2007) with key distinctions being drawn between, on the one hand, more managerialist forms of accountability centring on technical and professional performance and, on the other, more democratic or political forms, with greater concern for public reporting and feedback.

Much academic interest has also focused on accountability as a ‘process’, with Ranson and Stewart (1994), for instance, talking some twenty years ago about the relational nature of the subject in terms of ‘bonds of accountability’ and of the potential duality involved, on the one hand, with ‘the giving of account’ while on the other ‘being held to account’ (see also Ashworth and Skelcher, 2005, for a discussion about the processes of ‘taking into account’ and of ‘redress’).

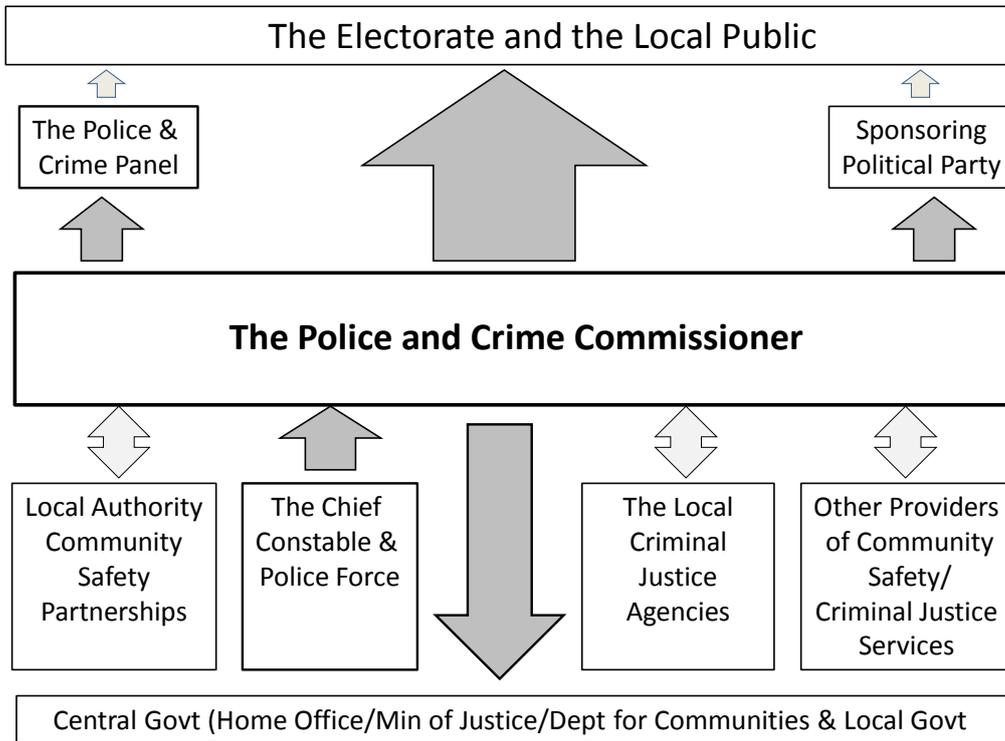
The discipline of economics has also contributed much to contemporary understanding of the processes of accountability and the behaviours involved, particularly through the application of Principal-Agent Theory (see for example, Wood and Waterman, 1994; Waterman and Meier, 1998; Mayston, 2003; Besley, 2006; and Bertelli, 2012). This is a theory that focuses, in its most simple form, on the relationship between the ‘commissioner’ of a task (or service provision activity) - ‘the principal’ - and the ‘contractor’ who undertakes the work - ‘the agent’. A familiar problem in such relationships, however, is that of ‘informational asymmetry’; when the ‘agent’ (as contractor) knows more about the tasks involved than the ‘principal’ (Ferris and Gruddy, 1998). A consequence of this situation is that the agent may seek to exploit their greater knowledge to their own advantage, for instance, by suggesting a larger-scale job than is really needed, and/or by charging more than is reasonable. The key challenge, then, for the ‘principal’ is to ensure that appropriate incentives are in place to serve their interests rather than those of the contractor. Carrying this general line of thinking into police governance, then, one key question would concern the ability of PCCs to ensure that their chief constables (as their agents) do the necessary work (as asked of them) in the most effective and efficient manner.

The situation, however, with police governance, (as indeed, with regard to many public service contexts) proves rather more complex in practice and raises further interesting questions as a result. In particular, the complexities relate to the existence of ‘multiple principals’ (Knott and Miller, 2006) or to chains of competing principal-agent relationships. Thus, for example, while PCCs may be ‘principals’ to chief constables, they must also be

regarded as ‘agents’ to the public, ‘agents’ to their sponsoring political parties, and ‘agents’ to the Home Secretary too, at least with regard to national policing responsibilities. Moreover, further complexity is to be found in the PCC framework because, as well as a commissioner for each police area, the Government decided also to establish a Police and Crime Panel – comprising nominated councillors from the various local authorities in the area – to act as a scrutiny body, holding the PCC to account on behalf of the public. Thus, the PCC might also be thought of as ‘agent’ to the Panel. Taken as a whole, therefore, the novel governance framework of police and crime commissioners can be understood as comprising a number of different, potentially competing, principal-agent relationships, the interplay between, and implications of which could have a potentially profound impact on the developing nature of policing policy and practice in England and Wales. In the succeeding sections of this chapter we will consider in turn the different accountability relationships involving PCCs, their relative strengths and the tensions between them, at least so far as they have manifested themselves to date.

Figure 1 depicts the key relationships to be explored in this respect. Those with shaded arrows can perhaps be considered the primary relationships – those that also carry accountabilities, in the sense of either or both ‘the giving of account and ‘being held to account’ (Ranson and Stewart, 1994). First is the PCC’s accountability relationship (as agent) towards the voters and the public at the local level, this stemming from the direct election process. Second, is the accountability relationship of the PCC to the Police and Crime Panel. Third is the accountability relationship of the PCC to central government (particularly the Home Secretary in relation to national strategic policing issues, though also to other ministers with interests in relevant local public services). Fourth, is the accountability relationship of those PCCs who stood as candidates for particular political parties towards their sponsoring parties (or branch constituency parties). Fifth (and facing the other way) is the accountability relationship of the PCC (as principal) to the chief constable (as agent for the implementation of the agreed policies and priorities for policing).

Fig 1. PCC Relationships and Accountabilities



There are then further relationships to be considered (and depicted in Figure 1 without shading), notably, with the local community safety partnerships (principally comprising the police, local authorities and fire and rescue services) which are now funded by the PCC, and with the various agencies providing local criminal justice and community safety services which are currently (or which might in future be) ‘commissioned’ by PCCs, for example, victim support services, women’s aid centres, rehabilitative probation projects for offenders, and drug and alcohol treatment programmes. And while without involving direct accountabilities, there are also important relationships for PCCs in relation to the wider network of criminal justice agencies at the local level – particularly with the Crown Prosecution Service, HM Courts and Tribunals Service, and local Probation Services.

Other relationships for PCCs might also perhaps be considered, for example, with local media, but which, for reasons of retaining clarity, have not been included in Figure 1. Instead, the main focus here is on the relationships that potentially involve an element of accountability, and on the implications of such accountability for the nature of the governance process in practice. In the succeeding sections, then, we examine the eight relationships depicted in Figure 1 in turn, doing so by drawing on the evidence gathered in the round of interviews with nine PCCs from around the country.

Accountability to the Public and Voters

Probably the most significant finding from the nine interviews concerned the large commitment of time and effort that, since the elections, each PCC had been devoting to building their profiles with the public and local communities. Perhaps, in part, a reaction to the very poor turnout at the polls and the very low level of public understanding of the new role, all nine PCCs had made it their first priority to pursue as many opportunities as possible for public engagement and for building relationships with local institutions and groups across their areas as well as with officers and staff at each of the police stations.

Interestingly, one of the nine who had previously served as a member of the (former) police authority for the area, suggested that “police authorities hadn’t thought of themselves as having a public profile” – a viewpoint that, if fair, would possibly go some way towards accounting for the very low level of public awareness of their existence. Yet within a matter of days of taking office, all nine PCCs had begun a circuit of public appearances, making presentations and answering questions at public meetings, arranging regular ‘surgeries’ in local communities, and ‘pitching up’ in market squares on Saturday mornings to meet shoppers, just as they had done during their election campaigns. Each had also begun a round of attendances at county, district and parish/town council meetings and had accepted a variety of invitations to speak at meetings of other community bodies such as Women’s Institutes, Rotary, and Volunteer Centres.

They were also spending much time visiting different policing and criminal justice-related projects, including many community-based and volunteer-run initiatives undertaking community safety work or supporting criminal justice, for example, victim support groups, domestic abuse projects, drug-treatment centres and various offender management projects. Indeed, all nine indicated spending at least a day per week away from their offices meeting community-based, staff and volunteers involved in criminal justice-related project work of one kind or another or addressing open meetings, community councils and the like. Many of their evenings were also taken up with speaking engagements and each was frequently writing articles for local magazines, community newsletters and bulletins. All were also making extensive use of social media – with near daily tweets and regular blogs on policing and crime issues arising from their work.

Clearly, then, the new PCCs have, without exception prioritised their relationships with their local public(s) and sought to provide a significantly more outward-facing governance profile than had been the case with police authorities. Moreover, and no doubt a consequence of such profile-raising efforts, each confirmed having seen the volume of direct communications from members of the public (via email, letter or phone calls) increase significantly. One commented that “PCCs are set to become some of the most recognised public leaders in the country – more so than most local councillors and many members of parliament”, while another pointed out that “the police themselves are amazed at what this is all producing by way of complaints from public.”

Several interviewees also emphasised the importance they attached to hearing from all sections of the community, not just those who had made contact to complain about something or who had spoken up at a public meeting or other event. One, for example, talked at length

about actively seeking out the perspectives of those who were perhaps unlikely to attend such meetings or to initiate contact – “the quiet ones; the NEETs, ethnic groups and others below the radar”. And such pro-activity certainly suggested a further positive dimension to the “listening and learning” approach to which all nine referred. Also highlighted was the contact with front-line policing teams; each having already visited, or being in the process of visiting, every police station within their areas, and from which they similarly indicated gaining highly valuable learning, not least about the issues and problems of most concern locally. “Listening is what this job is all about... Only by listening and talking to front-line police and the public do you get a sense of whether or not resources are being satisfactorily deployed within the Force... being out and about and listening is how you learn about how the force is working”.

Evidently, then, ‘listening and learning’, has clearly formed a highly significant dimension of PCC work. And while this of course would not by itself necessarily amount to strong accountability, it would at least form a key element of such a process. Indeed, in so far as all the interviewees talked about the lively exchanges in which they were frequently engaged in public meetings, it seemed that the twin processes of ‘giving account’ and ‘being held to account’ were, indeed, very much a part of this on-going public engagement process.

Accountability to the Police and Crime Panels

As indicated, the same legislation instituting PCCs also introduced Police and Crime Panels to undertake a scrutiny role and hold commissioners to account on behalf of the public. However, the legitimate roles of such panels are quite tightly defined in the statutes and relate particularly to the annual budget setting, the approval of the Police and Crime Plan (a 5-year strategy document that each PCC was required to prepare and publish within in four months of taking office) and approval of the appointment of chief constables. As Lister (2014 p. 24) has explained, the panels’ scrutiny roles are also balanced by more general ‘supportive’ functions that “must be exercised with a view to supporting the effective exercise of the functions of the police and crime commissioner”. This, as Lister has suggested, implies some tension at the heart of the legislation, although, to be fair, this was also inherent in the role (and behaviour) of the former police authorities which similarly could be understood as ‘critical friends’ (in their case to the chief constable). But whereas the former police authorities had a clear oversight and scrutiny role for policing performance, the focus of Police and Crime Panels is much more narrowly drawn in relation to the work of the PCC, who, in turn, is solely responsible for holding the chief constable to account.

From the interviews the evidence as to the nature of accountability at work here seemed quite mixed. All nine acknowledged the difficulties that both the limited statutory powers and the tight (Government-imposed) timetable had created in the first year for panel members in their consideration of the budgets and the Police and Crime Plans and more generally in the process of holding to the PCC to account. Two PCCs specifically commented on the shift they had observed in the outlook of their panels - from initial scepticism and negativity to becoming generally supportive once they had heard the Commissioner’s explanations and had understood better the thinking behind the choices and decisions. Two others observed

that panel members with previous experience on their respective police authorities had seemed to struggle to come to terms with their new role as ‘scrutineers’ of the Commissioner’s (personally-taken) decisions. Others again recognised the difficulties in this regard for panels of part-time councillors (from across the area) in scrutinising the decisions of a full-time PCC (and with considerably greater officer support and informational resources to call upon) - in other words, the ‘principal-agent’ problem of ‘information asymmetry’.

Even so, three PCCs were quite critical of the quality of scrutiny offered by their panels; one describing the process as “a bit tokenistic”, another as “without real teeth” and “not very dynamic”, and a third, more bluntly still, as “a wholly inadequate way of holding you to account”. Indeed, none felt the holding to account process to have been particularly onerous, and none had been asked by their Panels to provide additional information or to consider particular actions (as the statutes allow). On the contrary, in three instances, it had been the PCCs who had taken the initiative and invited the panels to assist them by undertaking additional work - of a supportive nature. In one instance, the panel had been in two minds about whether to accept such an invitation although in the other two instances, there had been willingness to assist and become more actively engaged with their PCCs as a result.

It would have been helpful in this context to have been able to compare the perspectives of PCCs on the accountability provided by Police and Crime Panels with those of panellists themselves, though to do so was beyond the scope of the particular research project. But it was interesting that, from the commissioners’ viewpoints at least, the contribution of the panels was seen very much along the lines that Lister (2014) had predicted – with a somewhat uneasy tension between the respective roles of providing scrutiny on the one hand and support on the other, or what Coulson and Whiteman (2012) have summarised as a ‘critical friend’ relationship. Partly, it was suggested by one PCC, the difficulty here was compounded by the tendency in many areas for the constituent local authorities to prefer to nominate a senior political leader as their representative on the panel (in most instances, the council leader or a cabinet member for community safety) rather than a councillor with particular aptitude for scrutiny work and with the analytical skills by which to hold executive personnel to account. Worse, as pointed out by one PCC, because of diary congestion for many such senior political leaders, substitutes were often asked to attend the meetings in place of the official nominees with consequential discontinuity effects for the membership of the panels.

Accountability to Central Government

The third accountability relationship for PCCs (as depicted in Figure 1) is to central government and, as enshrined in the legislation, particularly in relation to national strategic policing requirements. Beyond the statutory position here, however, would be a wider question about the extent of influence by the Home Office and Home Secretary upon PCCs, especially given the long-prevailing centralist culture of that particular department of state (Newburn, 2012), but also because of the high political stakes for the Coalition Government associated with success of the new PCC governance model. Particularly in light of the negative media headlines around the time of the first elections, it would have been surprising,

indeed, had the inevitable anxieties in and around Whitehall and Westminster not prompted at least consideration of a more interventionist approach to stabilise matters. But then, as indicated, the PCC model had also been devised, promoted and launched within the context of the Coalition Government's policy commitment towards 'new localism' (Taylor-Gooby and Stoker, 2011; Lowndes and Pratchett, 2012). Indeed, it had been much cited by ministers as a key exemplar of the commitment to localism.

But in fact each of the PCCs interviewed felt that they had been left largely to get on with their roles at local level, with minimal interference from the Home Office. Although recognising their obligations in support of the national 'strategic policing requirement', none saw this as presenting contentious pressures for them, or creating particular conflicts with their own local commitments and priorities. On the contrary, all nine commented positively on the constructive balance they felt the Home Office had struck between providing support, if and when requested (including good access to the Home Secretary in person), and allowing each to go about their role in their own way, for example, organising and staffing their offices, determining their own policing priorities, and establishing working relations with chief constables as they felt most fitting.

Interestingly, however, several PCCs contrasted this state of affairs in relation to the Home Office - the lead department of government for policing - with what they saw as a very different stance of the Ministry of Justice, the other key department of state with which they had interactions.. Of particular concern to PCCs at the time of the interviews in this respect was the Ministry's decision to implement its new 'regional commissioning framework' for probation services not on the well-established territorial structure of local criminal justice (i.e. the forty one PCC areas). Two PCCs also aired concerns at the possible prospect of their legitimate discretion being compromised in future if HM Inspectorate of Constabulary reviews and reports were to cover strategic governance issues as well as operational policing matters.

Accountability to Political Sponsors

The fourth accountability relationship identified in Figure 1 applies only to those PCCs who stood for election as candidates for a particular political party. Consideration of the relationship here between PCC and the sponsoring political party (or local branch) brings us to one of the key criticisms levelled at the new police governance model when it was first elaborated and debated in parliament, namely that it would risk introducing partisan politics into policing.

In fact, out of 192 candidates who stood for election in November 2012, just 54 (less than 1 in 4) stood as 'independents' (i.e. without affiliation to a political party). Of the 41 successfully elected, 12 were 'independents'; while 16 were Conservative party candidates and 13 were sponsored by the Labour party. No Liberal Democrat, UKIP or other party

candidates were successful at the polls in November 2012.⁵ As Lister and Rowe (2014) have suggested, the relatively strong showing of the ‘independent’ candidates in the ballot rather suggested that many voters also shared the concern about potential politicisation of policing (and indeed most of the ‘independent’ candidates had focused on this concern as part of their own election campaigns).

Perhaps unsurprisingly, all six party-sponsored PCCs were keen to emphasise their commitment to a non-partisan approach, to serving all interests within their areas, and to pursuing policing priorities that would be reflective of the needs and aspirations of all communities. As one (Conservative party-sponsored) PCC commented: “a clear message from the [election] campaign was that the public don’t want politics in policing – so the rosettes are off”. In much the same vein, all six also claimed to have had little or no contact with their sponsoring party headquarters (or constituency branch) since the elections and none indicated feeling under any particular obligation or sense of accountability in this respect beyond recognising that their prospects for reselection in 2016 would depend on their sponsors’ assessment of performance over the current period of office. On the other hand the interviews did reveal some interesting differences between the PCCs in their overarching perspectives, outlooks and ambitions, and which could perhaps be understood in macro-political terms. The three Conservative PCCs, for instance, each conveyed a strong managerialist polity in expressing their determination to improve efficiency and value for money in policing. They also spoke at length about their ambitions to ‘get upstream’ by investing more strongly in crime prevention and in better support for families where there were perceived risks of anti-social behaviour or involvement in crime. While such ambitions were probably shared by all the other PCCs, it was noteworthy that the three Labour PCCs talked much more about local issues in their areas; about some of the casework arising from their surgeries, and about their prioritisation of particular crime and anti-social behaviour problems in particular neighbourhoods or afflicting particular social groups. In short, here seemed to be a rather different polity from that of their Conservative counterparts – one much more about ‘problem-solving’ in the shorter-term.

Probably such contrasting polities would also reflect differences of geography – and particularly the socio-economic and criminogenic contrasts between the more suburban/rural police force areas on the one hand (which had elected Conservative and Independent PCCs), and the more densely populated urban/metropolitan areas on the other (which had elected Labour candidates). At the same time, however, the respective career backgrounds of the PCCs seemed also to be a relevant factor here. For example, the three Labour PCCs had each been active in politics for a significant period of their careers, and indeed, within much the same geographical area. All had served as councillors, and two had been MPs for their local constituencies. Perhaps, then, the commitment they each articulated towards problem-solving on behalf of communities, groups and individuals had its roots in their previous experience as constituency and ward-level politicians.

⁵ It is noteworthy that just 15 per cent of the successfully elected PCCs were female and none were from black and minority ethnic (BME) backgrounds, although 18 per cent of the candidates were female and 7 per cent from BME backgrounds

All three Conservative PCCs, on the other hand, came not only from a business management background, but had also, more recently, served in political leadership roles within their (Conservative-controlled) local authorities (settings where the strategic objectives of achieving better value for money through more integrated public service provision have been particularly strongly emphasised in the past few years). Two of the three Conservative PCCs, talked of what they felt to be a stark contrast between the limited inter-agency collaboration and co-ordination within policing and criminal justice on the one hand and the more integrative developments now taking place in the local authorities with which they were familiar. “The police talk endlessly about strategy but are not good at it. Most of their work is about meeting deadlines in minutes and hours, and they struggle to lift their sights towards the longer term”, suggested one of them, while the other expressed particular frustration at what he saw as the huge scope for achieving greater efficiency through more collaboration with neighbouring forces and other local public service providers, for example, in pooling budgets “to prevent crime rather than having to react to it afterwards”. Both spoke critically of what they regarded to be outdated police practices, some of which they felt to be ‘self-serving’. One commented that “I hadn’t prepared myself for the shambolic state of the business side of policing - not policing itself – but the systems and processes by which it is managed”.

That said, more complex differences between the three groups (Conservative, Labour and Independent PCCs) were highlighted in an analysis of the priorities formally adopted by each of the nine PCCs in their Police and Crime Plans. In this respect, beyond the fact that the three Labour-sponsored PCCs had each proposed a significantly larger number of priorities than those of either their Conservative or Independent counterparts (an average of 9 compared with one of less than 4 per PCC), there appeared little obvious group-based patterning in the chosen priorities. Indeed, rather than differences, the two most notable features from the analysis seemed to be, on the one hand, the degree of commonality across the three groups and, on the other, the shared commitment to very generalised pledges such as: ‘reducing and preventing crime’, ‘protecting the public’, ‘customer care’, and ‘better value for money’.

Holding the Chief Constable to Account

Thus far the focus has been on four accountability relationships in which PCCs could be understood as the ‘agent’ – respectively to the public and voters, to the police and crime panels, to the Home Office/central government, and to political sponsors. But in the relationship with the chief constable, as indicated earlier, the PCC is the ‘principal’. Here, however, the simple principal-agent relationship is complicated by the ‘operational independence’ that is afforded in statute to the chief constable and which denies the PCC authority to provide directions on matters of day-to-day policing work – a complication not made any easier by the lack of formal or detailed guidance on what might exactly constitutes ‘operational’ responsibility (Lister, 2013).

This arguably increases the potential for tension in the principle-agent relationship, which were highlighted in the first few months after the elections, as discussed at the outset of this

chapter. On the other hand, in the context of accountability, such tension could of course be a positive facet while relationships of a close and comfortable nature could be regarded as potentially problematical.

Among the nine interviewees there was certainly keen awareness of the significance of the less-than-clearly-defined 'boundary line' between their own more strategic area of responsibility and that for operational policing of their chief constable. Indeed, from the comments and examples proffered it seemed that boundary line had been (gently) 'tested' on more than one occasion during the course of the first year. Mostly, however, relationships with chief constables were described in positive terms, with very few on-going disagreements highlighted over division of responsibilities. Two of the nine had in fact made their own new chief constable appointment since the election following the resignation or non-reappointment of a predecessor, so were (unsurprisingly) content with the relationship. Another described their working relationship as 'good', but emphasised the importance of the 'keeping of distance' and 'retaining a certain formality'. For two others again, 'very positive working relationships' were explained as having resulted from a working relationship at local level that had preceded the elections. Meanwhile, another, who similarly knew the chief well from having served on the former police authority, indicated having had some differences of opinion on some key strategic issues, and described the position somewhat diplomatically as 'an appropriate working relationship'.

In the case of the other three commissioners, two described their relationships with their chief constables as 'good' although, in both instances, adding that it was still 'early days'; both regarding it as 'an evolving relationship' with 'learning taking place on both sides as to the other's expectations'. In another instance, an initially 'difficult relationship' had, after several fraught months, begun to resolve itself to the extent that the chief constable had been awarded a new contract for a further term.

All nine interviewees reported holding regular formal meetings with their chief constables for the purpose of 'holding to account' (and with official minutes taken of such meetings). Such meetings were mostly held either weekly or fortnightly, though in one case, it was twice weekly and in another, every six weeks (having initially been monthly). In each case, however, it was emphasised that interactions with the chief constable of a less formal nature took place on a near daily basis, either face-to-face or by telephone, and usually to discuss a particular issue that had arisen, or in the form of a briefing on a new development.

Such patterns of contact would undoubtedly be much facilitated by the choice made by six of the PCCs to establish their offices within the confines of police headquarters. However, particularly in light of all the comments about the importance of public profile and accountability to local people, it was perhaps a little surprising that most had prioritised proximity to the chief constable and senior officers over more publicly accessible locations. But in each case, the reason for the decision was explained in terms of saving office costs by making use of available (and free) police accommodation. In fact, of the three PCCs who had located themselves away from their force headquarters, two had actually chosen to occupy part of a local police station (in one case a former one) within their areas, so again making

use of available space. The third was occupying city centre accommodation that had previously provided the headquarters of the former police authority (although the PCC indicated a desire to sell the building and relocate to less expensive premises in a more centrally-positioned location within the police area as a whole).

Accountability with Local Community Safety Partners and Criminal Justice Agencies

In the final three sets of relationships for PCCs depicted in Figure 1 the focus is on the various bodies engaged at local level in the planning, provision and management of community safety and criminal justice services of one form or another. The three such relationships, which are discussed together here are respectively: local Community Safety Partnerships; other statutory criminal justice agencies at local level (notably prosecution, courts and probation); and the various ‘provider’ agencies for community safety and criminal justice services (e.g. women’s refuges, victim support organisations, drug and alcohol teams, and youth offending teams).

The advent of PCCs has not materially affected the role of Community Safety Partnerships - the statutory partnerships created under the Crime and Disorder Act 1998 to promote joint working between ‘responsible authorities’ at a local level (i.e. police, local authorities, fire and rescue services, probation and health authorities) in relation to offending, reoffending and anti-social behaviour). However, a key change has been that central government financial support for community safety has been devolved to the PCCs as the new ‘commissioners’ of such partnership activity. This, in turn, has implied a further accountability relationship, with PCCs again as ‘principals’ in supporting the partners as ‘agents’. In the first year, in fact, most PCCs chose to fund the different CSPs within their areas on the same basis as in previous years (under central government funding), doing so, partly to retain good-will and partly because there was insufficient time for a thorough assessment of priorities and of the impacts of previous funding commitments. However, in future years there is every prospect of PCCs seeking closer alignment between the CSP activity that they commission and their own Police and Crime Plan priorities. A foretaste of this new commissioning approach, and the associated accountabilities, could be seen in the Home Office’s decision in 2013 to require CSPs in future to submit their annual community safety plans and strategies to their local PCCs.

The second set of criminal justice provider/partner relationships (in Figure 1) comprises the range of agencies providing criminal justice and community safety services at local level, and which similarly involve direct commissioning and funding-dependency relationship with PCCs. Under the new governance model, indeed, PCCs have been given the principal ‘commissioning’ role for a wide range of criminal justice-related services. These include drug testing at police custody suites, drug and alcohol treatment programmes available as sentencing options for the courts, youth diversionary projects (providing constructive programmes that seek to keep young people out of the criminal justice process), the Independent Domestic Violence and Sexual Violence Adviser services (IDVAs/ISVAs), victim support services, restorative justice projects and the like.

Without doubt, there are potentially profound implications of such commissioning by PCCs for the future operation of criminal justice at the local level. Indeed, it will be especially so for the national organisation Victim Support because of the Ministry of Justice's decision in 2013 to cease its own direct funding of the organisation from 2015 and instead disburse its budget to the PCCs for 'local commissioning' of such services for victims (Ministry of Justice, 2013). In doing so, the way will open for other victim-serving groups to compete for funding with the national agency. More generally, however, such a change in favour of local commissioning places PCCs in a particularly strong position to hold 'provider organisations' to account for service delivery that not only represent value for money but aligns closely with their own targets and priorities as expressed in the Police and Crime Plans for their areas.

Then the third set of provider/partner relationships for PCCs depicted in Figure 1 is the group of other public sector agencies with which police work comprising the core of the local criminal justice system, notably the Crown Prosecution Service (CPS), the Probation Service, and the Courts (HM Courts and Tribunals Service). Of particular interest here was the question of the impact and influence of the newly-elected PCCs on Local Criminal Justice Boards (LCJBs), the established forums for co-ordinating and developing local criminal justice. Although these are non-statutory, they have been regarded since their establishment by government more than a decade ago, as having a vital role in raising inter-agency efficiencies and effectiveness across the criminal justice sector at the local level, doing so by bringing together senior representatives of each of the main agencies - the police, the crown prosecution service, the probation service, the courts and prison service. How might the new directly-elected PCCs, with their significant commissioning roles in the sector, relate to this established executive structure?

In fact the interviews highlighted just how similar the PCCs saw their own role and objectives to those of the LCJBs in wishing to bring greater efficiency to local criminal justice processes through stronger co-ordination and integration. . Several interviewees had begun to build relations with the senior professionals in the other agencies and, indeed, were attending meetings of the LCJB in their areas. One talked of his ambition to effect "a fundamental shift in policing and in criminal justice to a position ... where offenders pay back to the communities they have harmed"; another spoke of his plans to find "ways of recovering from offenders the costs of police time and case preparation". Another again described the key challenge of PCCs as "...getting the 'whole system' to work better for all of us...the role [of the PCC] is not the answer in itself, but the statutory influence the PCC carries across policing, criminal justice and community safety means that there is power to raise ambitions, provide a consistently joined up approach that serves people better and uses shrinking resources more effectively...". Time, of course, will tell the extent to which such ambitions by PCCs will be achieved. But it will be interesting to see how much of a force for change they will become for the wider local criminal justice system - and indeed, the extent to which the LCJBs – not just chief constables – become 'agents' of PCCs as they pursue such whole-system reform.

Conclusions

At the outset of this chapter the question was posed as to whether the novel governance model of police and crime commissioners might fairly be understood in terms of Dawisha and Parrott's (1997) concept of electocracy. The key argument here was that, at face value at least, the statutory requirements of the PCC role, which vest considerable powers and authority in the office-holder, and with few limiting conditions, once elected, do tend to suggest a strongly monocratic form of governance for policing. Indeed, as discussed, critics of the PCC model have from the outset been greatly concerned at the concentration of authority and governance responsibility in the hands of one individual.

Be that as it may, the series of interviews informing this chapter reveal that, in reality, rather than practicing autocracy, PCCs have gone to considerable lengths to build relationships with their local public and so foster an on-going process of public accountability. Significantly, the interviews found that the other potential accountabilities and system checks on autocratic conduct by PCCs were mostly quite weak. Police and Crime Panels, in the first year at least, were said to play a fairly marginal role in holding the commissioners to account; the Home Office, it was pointed out, had resisted the centre's usual controlling and standardising temptations and, for the most part, left PCCs to develop the role as they individually felt best; and the political party sponsors, the interviewees all agreed, were similarly unimportant in directing or pressuring their chosen candidate once elected. Instead, it has been the PCCs' own efforts at public engagement that have been providing the real counterbalance to any potential for electocracy to prevail.

While no doubt such efforts would, in part, be motivated by self-interest to build a strong personal profile and so ensure future re-electoral success, the research particularly highlighted the impact of such profile-building in creating the conditions for stronger public accountability. In this respect, it was also very clear that PCCs have been investing significant amounts of their time to ensure that they personally had good understandings of public expectations about policing and crime reduction and to ensure that such understandings would be reflected in the prioritisation and allocation of policing resources and in their approach to the role, more broadly. In this respect, for sure, they have been demonstrating much keener public accountability than was ever apparent under the previous regime of police authorities. And the spirit of such public accountability was very evident in the phraseology of all nine of the Police and Crime Plans of the PCCs, for example:

“In determining my priorities I have listened to the views that the public have expressed through engagement events and feedback questionnaires. I have also spoken to partner agencies, such as community safety partnerships and the Criminal Justice Board, as well as considering the professional judgement of the Chief Constable”.

“This plan sets out our Police and Crime priorities for 2013-2017 which are based on the issues you have raised. You have told me that your concerns are anti-social behaviour, burglary and domestic and sexual violence. I will ensure that wherever you live – rural, suburban, town or city – your police will work with you and have the flexibility to deliver these priorities”.

“I have listened to your experiences, concerns, and suggestions; I have met hundreds of you face-to-face and corresponded with hundreds more. It’s a continuing and essential dialogue that means you help to decide where money and manpower can do most good. So in a very real sense, this is your Police and Crime Plan. You are my co-authors because you know your communities better than anyone else. And together we can ensure that tax-payers’ money – YOUR money – is spent where it can genuinely benefit the public”.

It is, as Newburn (2013) has suggested, too early to draw firm conclusions about the impacts of the new model of police governance through PCCs or, more specifically, to say anything definitively about its effect in strengthening democratic accountability in policing and local criminal justice. But, to date at least, it seems that the worst fears of critics of the model have not materialised to any significant extent while police governance in England and Wales has surely become more visible, more consultative and, by implication, more publicly accountable.

Ahead of the next scheduled PCC elections (which, as a result, should attract many more voters to the polls than in 2012) will come a General Election in 2015, and with it the possibility of further change to police governance. As indicated, the Stevens Report (2013) recommended abolition of the PCC model; although perhaps more likely would be some amendment of the legislative framework in the light of experience. In this respect, for example, one possible step might be to enshrine into the relevant statutes more specific duties on PCCs for public engagement and associated public accountabilities rather than, as now, relying on volunteered commitment. Another possibility – and one that has already been considered in governmental circles – is the widening of powers of PCCs, notably to bring other ‘blue-light services’ under the commissioners’ control (i.e. fire and ambulance governance as well). And then, were there to be fresh enthusiasm for restructuring and rationalising local government, another possibility might lie in the re-creation of co-terminosity between police and local authority areas, in which case, we might envisage a significantly more integrated form of local public service governance – with directly-elected mayors (rather than PCCs) overseeing a comprehensive portfolio of local public services which would include policing and associated community safety and criminal justice services.

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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: Mike Campbell. Policy Officer, Kent and Medway Police and Crime Panel
Contact address: Kent County Council, Invicta House, Maidstone, Kent

Postcode: ME14 1XX
Contact Telephone: 03000 413346
E-mail: mike.campbell@kent.gov.uk

Freedom of Information

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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

This is the response of the Kent and Medway Police and Crime Panel. As its Policy Officer, I submit the response on its behalf.

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

Panels' very limited powers make it difficult to truly hold the PCC to account. As the Act talks about "review and report" rather than "holding to account" it is argued by some PCC's that they cannot be held to account by the Panel at all. The vague requirement to publish decisions "of significant public interest" and the lack of any requirement to publish supporting information is a major gap

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

Other than the Annual report there is no requirement on PCC's to inform the public of any of their actions between elections. The vague requirement to publish decisions "of significant public interest" means that PCC's have almost complete freedom about what decisions they publish and when they publish them. There is no requirement to give any detail or explanation and the requirement to publish expenditure over £500 does not require them to explain options, value for money or reasons for that expenditure

Question 3:

How are PCCs ensuring transparency in their decision making?

Comments

It is entirely a matter for PCC's themselves to decide how transparent to be. Some are publishing reasons and justifications for their decisions but they are not required to do so.

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

In Kent expenditure over £500 is put on the PCC's website in the form of a spreadsheet with a 3 or 4 word description against each item. Decisions are published at the end of the each month listing the decisions made during that month. Limited explanation for the decision is given and there is no forward programme of planned decisions.

Question 5:

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

Comments

N/A

Question 6:

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

Comments

As already noted, the statutory power is to review and report rather than hold to account. Panels have no power to alter or prevent actions by the PCC (other than the limited veto power on the precept and certain appointments). They can ask for an explanation and publish any concerns they have but, as they can only dismiss a PCC in the event of a significant criminal conviction there is no possible sanction to back up their views. In Kent, this lack of power has led to some members of the public believing (incorrectly) that the Panel has not been sufficiently

robust with the PCC on occasion.

Question 6a:

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

Comments

Yes – it needs greater clarity about whether its role is to pro-actively scrutinise and hold to account or whether it is merely a reporting and review function. It also needs clarification of its ability (or otherwise) to take action against a PCC who is thought to have behaved or acted inappropriately.

Question 6b:

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

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.

Balanced membership has ensured that the Panel has knowledge of policing issues that concern the public in Kent and Medway but it can lead to Panel members raising local or operational matters with the PCC rather than discharging their statutory function

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

It is probably right that a veto of an important decision should require a substantial vote in favour. The problem lies, not in the veto, but in the fact that, if the precept increase is vetoed a PCC just has to set a precept very marginally lower, with no noticeable impact on Council tax bills.

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

Panels have the power to veto the appointment of Statutory officers (Chief Executive and Chief Finance Officer). PCC's should be free to make their own decisions about other 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

PCC's should be expected to adhere to the Nolan principles in their public and private lives. Panels should be able to investigate concerns about personal conduct without the need for a formal complaint to be made.

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

PCC's are seen as part of the police, not separate from it. PCC's tend to get asked about operational matters (with a consequent frustration when a PCC cannot act on the concerns). If a PCC acts inappropriately then, because they are seen as part of the Police the reputation of the Police can be adversely affected. This confusion is an unavoidable consequence of directly electing PCC's, who will produce manifestos promising to do things about policing.

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 Kent there is a joint Audit Committee but separate Chief Finance Officers. So far as the Panel is aware, this arrangement works well.

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

N/A

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

N/A

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

See answers to previous questions about the lack of transparency in respect of decision-making

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

N/A

E51- Rupert Turpin, Member of Kent and Medway Police and Crime Panel (although the following views are personal and were not submitted on behalf of or with the approval of the Panel)

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

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Name: Rupert Turpin
Contact address: 30 Purbeck Road, Chatham, Kent

Postcode: ME4 6ED

Contact Telephone: [REDACTED]

E-mail: [REDACTED]

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 - *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

I am a member of the police and crime panel for Kent and Medway

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 definition of complaints is too narrow. Most complaints are against the police which are then overseen by the PCC. If complainants are not happy with the outcome of their complaint this should be considered by the panel. At the moment if the PCC has carried out basic administration such as answering the complainant in a timely fashion, the end result is not scrutinized by the Panel's complaints sub panel. There is confusion over the role of the panel which is supposed to only scrutinize the PCC while the PCC has a strategic but not operational oversight, which again is a possible source of conflict between the police and the PCC.

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

Panels are not well placed to carry out their roles. There is very little training, no division of labour, only one sub committee and no development of expertise on the panel.

Question 3:

How are PCCs ensuring transparency in their decision making?

Comments

Not enough information eg financial information is made available to panels or the public. Much of what is seen seems to be political propaganda. Forthcoming decisions are given a very short précis with not enough detail and plenty of jargon.

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

A dashboard of policing standards and measurements such as schools are obliged to provide would be a step forward. At the moment the statistics are hard to find and even harder to compare with other forces.

Question 5:

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

Comments

Our PCC has carried out plenty of meetings with the public.

Question 6:

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

Comments

They have relatively few powers, and even a vote against the precept, for example, requires a 2/3 majority.

Question 6a:

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

Comments

Yes

Question 6b:

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

Comments

This is the most fair arrangement politically.

Question 6c:

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.

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

It is very difficult to get a 2/3 majority, however in the end the PCC needs to be able to make his or her own decisions and stand for re-election based on how these are perceived by the public.

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

pCC needs some political support. Deputy PCC voted for on the same ticket in the elections would provide a replacement in the event of misdemeanour or illness, in the place of costly elections. Senior staff should be appointed on merit but on terms of contract no longer than the next election otherwise a new PCC may well want to bring in replacement 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

Panels should be able to call special meetings or press conferences and should be able to hold a vote of no confidence with a 2/3 majority.

Some members of the panel also serve in community safety partnerships which receive grants from the PCC which may represent a conflict of interest.

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

There is plenty of confusion, even among the main protagonists as well as the general public. More guidance is needed and there needs to be a clear separation of powers between the chief constable and the PCC.

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

As mentioned above, a separation of power is advisable. The PCC should not have to rely on staff provided by the chief constable to carry out scrutiny of the force. Regrettably as this may appear, higher governance costs to maintain the separation of powers are advisable.

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

PCC's will improve the standing of the police with the public by holding the police to a high standard, for example examining crime figures, and acting as an outlet for whistleblowers to safely come forward. If the chief constable and the PCC become too close the PCC will not be able to hold the police to account.

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

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

Possibly not enough

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

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Name: Superintendent Matt Horn

Contact address: Lancashire Constabulary, PO Box 77, Hutton, Preston

Postcode: PR4 5SB

Contact Telephone: [REDACTED]

E-mail: [REDACTED]

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<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

Lancashire Constabulary

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 Police Reform and Social Responsibility Act introduced, for the first time, direct accountability to the electorate for delivery of their local policing services. The legislation also provides for scrutiny of the local policing body by the Police and Crime Panel, which in turn is made up of a representative group of locally accountable individuals. In addition, the IPCC provide independent regulatory scrutiny where appropriate.

We believe that the system of checks and balance described above, as determined by the relevant legislation, provide a satisfactory mechanism for effective accountability of the PCC. The power vested in the electorate to hold the local policing body (PCC) to account is of course the ultimate power of accountability but we do recognise that the legislation has limitations in terms of responsiveness and answerability.

As we have seen in recent high profile cases, there are no powers for the electorate or any other body to remove a PCC mid-term, even in extreme cases, if the individual is unwilling to resign. Whilst elected individuals who are aligned to political parties may of course find themselves subject to significant party pressure to resign where there is an imperative for them to do so, independent bodies may not be subject to such measures. Introduction of a power and process for recall of directly elected policing bodies would seem to be a democratic, fair and proportionate response and would improve levels of accountability to the public.

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

Ensuring that there are sufficient and significant opportunities for public engagement within their routine duties is extremely important for PCCs to ensure appropriate accountability.

In between elections, the PCC for Lancashire undertakes annual consultation on budget setting and regularly seeks to engage with the public and partners, at every opportunity within the community. This engagement takes the form of public forums, briefings and meetings, as well as on-line engagement through the PCC's website and via public survey work.

The Constabulary supports the PCC in his engagement opportunities, working jointly and sharing information where appropriate to ensure that relevant, timely and accurate information is provided to the public about significant events and operations. The development of digital engagement platforms is a significant priority for the PCC and force; this work will increase opportunities for delivering more effective accountability mechanisms.

Question 3:

How are PCCs ensuring transparency in their decision making?

Comments

Formal decision making processes of the PCC comply with the Government's Transparency Code. Decision records are published on-line on the PCC for Lancashire's website:

<http://www.lancashire-pcc.gov.uk/Transparency/Reports-Meetings-and-Decisions/Decisions.aspx>

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

There is a wide range of information and data available to the public to enable them to scrutinise the performance of the local force and hold their PCC to account. This includes a wide range of comparative performance data which is made readily available to the communities of Lancashire through the Police and Crime Data Hub, on the PCC's website.

<http://www.lancashire-pcc.gov.uk/Transparency/Police-and-Crime-Data-Hub/Police-and-Crime-Data-and-Information.aspx>

This includes links to the HMIC Crime Comparator and to police.uk crime mapping, amongst others.

The PCC also has his own website through which he publishes papers and updates on his own activity and relevant information. This includes decision making, financial information, expenses and gifts and gratuity information. The PCC drives the scrutiny agenda and those papers are also available on the website:

<http://www.lancashire-pcc.gov.uk/Transparency/Scrutiny/Scrutiny.aspx>

The PCC also reports each quarter to the Police and Crime Panel on the outcomes of the Scrutiny Meeting.

Question 5:

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

Comments

The PCC for Lancashire undertakes a wide range of engagement events, including divisional roadshows, attendance at Open Days and PACT meetings. He also attends Parish and Town Council meetings, undertakes annual budget consultation and meets regularly with senior members of district and unitary councils and other stakeholders.

The PCC has a presence on social media but other digital platforms offer a significant opportunity for PCCs to improve their engagement with the public and these should and are being actively explored in Lancashire.

Question 6:

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

Comments

The Police and Crime Panel is an appropriately representative body that has powers to call PCCs to appear and to request and require information from them. These are useful powers, particularly given that the forum is held in the public domain and is therefore subject to public scrutiny.

Whilst the powers of the Panel are otherwise limited largely to veto, that is arguably entirely appropriate given that the PCC has the public mandate and should not therefore be subject to Panel interference in the conduct of achieving their stated priorities and objectives.

Question 6a:

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

Comments

It would be helpful to provide greater clarity on the role, powers and responsibilities of the Panel, making the distinction between the remit of the PCC and the Panel more explicit. Without this clarification there is an ever present danger that lines of accountability become blurred and the Panel becomes involved in trying to hold the chief constable to account, through the PCC. This is not in the spirit of the legislation.

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

In Lancashire, every effort has been made to ensure that the Panel accurately reflects the political balance in the county. This has involved adding additional representation, in accordance with the Act and with the full consultation and co-operation of those involved.

We believe that achieving effective representation is a key factor in ensuring a broader and more balanced approach to effective scrutiny, free from political bias or undue influence and working in the best interests of the communities that they each represent and to whom they are ultimately accountable.

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

A veto situation has not yet arisen in Lancashire but we welcome the opportunity that the power provides to ensure that key decisions such as these are carefully considered and implemented. Whilst the powers of veto are ultimately limited, they do offer a certain level of protection for the public interest.

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

As we have seen in some areas, the appointment of senior staff by the PCC can provoke debate around nepotism and a lack of transparency. There appears currently to be a lack of answerability and responsiveness where such concerns are raised.

Clearly there is significant public money and interest around this issue and to introduce a power of veto, similar to that in place for the chief constable, would provide greater transparency and integrity around the appointment 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

As it is the role of the PCP to hold the PCC to account, that should extend to the scrutiny of personal conduct. The PCP must therefore be given sufficient powers, and perhaps even have a duty placed upon them, to fulfil this role.

Whilst they are not nominally subject to the new Police Code of Ethics, as public servants they are subject to the Nolan Principles for Standards in Public Life, on which the Code is largely based. If PCCs would agree to be bound by the new Code, that would provide an effective framework against which their personal conduct could be assessed by the Panel.

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

Despite the considerable level of activity around engagement by the PCC, members of the public are still considered to be unclear in the main about the PCC's role and responsibilities, and their relationship to those of the chief constable. Whilst there is a clear understanding internally as to the distinction, particularly around operational independence of the chief constable, the apparent apathy around the introduction of PCCs, demonstrated by the low electoral turnout, and the many letters received by the PCC's office in Lancashire, indicate a lack of public and community understanding in this regard.

Whilst alignment of election timing may address the level of turnout in future, we believe that a national level initiative is needed, to support work going on locally, to assist in raising the profile and understanding of the PCC's role.

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

Extensive consultation and negotiation went into the creation of the Stage 2 Transfer documentation, including Scheme of Governance, Financial Regulations and Schemes of Consent and Delegation, which set the relationship on a sound, mutually understood footing. The arrangements are working well locally and no conflicts have arisen to date.

The Audit Committee are a respected body who receive quarterly good governance reports and have embedded strong relationships with the PCC and chief constable and their teams. Audit Committee scrutiny of internal governance and risk management arrangements in Lancashire is appropriately intrusive. The Committee takes a helpful advisory role in the development of the Constabulary's Annual Governance Statement.

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 be seen to lead by example in displaying the highest ethical standards and that is why the PCC for Lancashire has invested heavily in supporting the Constabulary to embed the new Code of Ethics. To this end he has provided significant financial support and crucially, the creation of an Ethics Committee. It is his intention that the Ethics Committee will advise not only his own office but also the Constabulary on ethical dilemmas around policing our local communities.

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

A conscious decision was taken early in the process to lead the introduction of the Code of Ethics at the highest level, with complete buy-in from both the Chief Constable and the PCC. We have described that approach above.

The PCC and Chief Constable have determined, outlined and communicated to their staff a clear strategic direction and vision for the force, including the inherent values of their organisations.

The Constabulary has created a people portfolio in order to oversee the necessary culture change in support of the Code of Ethics. Within this area of business is the Standards and Integrity Board, which holds the Constabulary's PSD function to account internally. In turn, the PCC holds bi-

monthly scrutiny meetings with the Head of PSD to review the performance data and ensure that culture change is taking place and being monitored.

The Constabulary has recently undergone the HMIC Inspection of Police Integrity and Corruption; the Constabulary is now considering the recommendations of that report and will be required to report progress to address areas for improvement to the PCC.

The chief constable is held to account and is answerable for delivery of all of this activity at the quarterly Strategic Scrutiny Meetings.

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. The PCC publishes all information, in accordance and compliance with the publication standards, on the website. We consider those standards to place sufficient and appropriate transparency requirements on the PCC. The Constabulary similarly complies with the requirements of the College of Policing.

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

As outlined above, the Scheme of Governance, Financial Regulations and the Schemes of Delegation and Consent, as agreed at the Stage 2 Transfer, provide a clear framework within which the PCC will conduct business. The PCC approach to, and protocols for, transparency and publication, give further reassurance that any conflict of interest would be appropriately identified and resolved. There is a role for the Police and Crime Panel in the event of the need to seek clarification or appropriate scrutiny. The PCC also has access to legal advice through local service agreements with other public sector bodies.

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

7 October 2014

Dear Lord Bew

Police Commissioners

I wrote to my MP, Andrew Tyrie, on 13 November 2012, to express my concern at the new system of giving powers to one individual. I suggested that these powers should be given to an Elected Authority. These representatives could be voted on in each of the MP's constituencies and then there would be a balanced view. They could elect a chairman from that body. A single person cannot cover all aspects of a police authority. It would prevent that person appointing their own team which is not a democratic process.

I trust you will give this your consideration as the current procedure was not understood by the public and hence very few members of the public voted.

Yours sincerely



L. A. Probert

Cc Andrew Tyrie, MP



Response to CSPL from LLG re 'Local Policing – Accountability, Leadership & Ethics Issues & Questions Paper.

i. Are there any gaps in the existing mechanisms for holding PCC's to account?

Yes – there are many examples of PCC's whose relationship with their PCP is too 'cosy' and likewise examples of PCC's whose relationship with their PCP is dismissive (almost to the point of 'disrespect'.) In practice, because of the nature of the legal requirements for the convening of local authority committees, it can take some time to call a PCP, which may not match the public's expectation. Chairs of PCP's have no inherent power in this regard and it would be unlikely for PCP's themselves to wish that they did have any.

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

This is wider than just what is required of PCC's themselves – the turnout at elections has shown that the majority of the public have no idea what a PCC is actually for.

While it is accepted that many PCC's have relatively small staffing resources, a national model along the lines of the Executive/Cabinet system legal requirements for local authorities – requiring the identification of key decisions and the publication of a programme within which they will be made, as well as requirements for publication of pre- and post-decision notices (with opportunities for the public to make representations) – may well assist.

iii. How are PCC's ensuring transparency in their decision making?

Nationally there is no single standard and perhaps there should be. Some are ensuring that information about decisions to be taken and then information about that has been decided are published on their websites and elsewhere but there is no national standard – and there should be.

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

It varies – there is no national standard.

- v. **What has worked best for PCC's in engaging with the public and local communities?**

Interestingly but perhaps not surprisingly, what has engaged local communities in our experience is when something has gone wrong, such as a breakdown in the relationship between the PCC and the CC.

- vi. **How well are PCP's able to hold a PCC to account between elections?**

In many areas the PCC are, in reality, struggling – relations with PCC's and their staff are not universally good and in some places verge on the hostile.

- a- Does the role of the PCP need any further clarification?**

Yes – PCP's often find themselves frustrated when they express an interest in an issue only to be told by the PCC it is nothing to do with them. The public look to PCP's as a scrutiny mechanism and they should be able to fulfil that fully.

- b- How well are the current “balanced” membership arrangements ensuring effective scrutiny and support of PCC's?**

There is an issue about the capacity of PCP members to understand fully the information they are getting in order for them to be able to apply appropriately robust scrutiny. More central guidance and training would be very welcome.

- c- Are the current membership thresholds requiring a 2/3rds majority to veto a PCC's level of precept & appointment of a CC proving practicable?**

Yes.

- d- Should PCP's have the power to veto PCC appointments of senior staff where they believe the criteria for suitability were inappropriate or not satisfied?**

No – to allow this would further undermine the separation of roles – the PCP should be about scrutiny and support NOT about veto, sanction or making alternative decisions from the PCP. The PCP should have a role in the pre-decision making process – ‘pre-decision’ scrutiny.

- e- How should PCC's be held to account for their standards of personal conduct? What role should PCP's have in this?**

This is an interesting question insofar as the previous ‘local government’ response would have been likely to have been: a standard Code of Conduct and a committee-based system to handle conduct complaints. However, as that has been nationally dismantled for councillors, it would seem disproportionate to insist on that for PCC's. The role of the Monitoring Officers could be

‘beefed-up’, as could the role of the PCC’s Audit Committee but there is then the question of the closeness, in purely practical terms, of the relationship between the PCC and the person acting as the re MO (given the size of most PCC’s staff cadres and /or the Audit committee members).

While the PCP clearly has a role in scrutinizing the PCC – and therefore in particular a role in bringing into public view and public debate issues arising from the conduct of PCC’s, it would seem inappropriate to give them any other investigative, hearing or sanction role in this. Perhaps that is a role for the Home Affairs Select Committee in more serious cases?

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

The public generally have very limited knowledge of the role and responsibilities of the PCC – evidenced by the very poor electoral turnout. This needs to be addressed nationally.

- viii. **According to the Financial Management Code, Audit Committees should ‘advise the PCC and the CC according to good governance principles and adopt appropriate risk management arrangements’. How well is this working in practice? Are there any examples of conflicts of interests arising from PCC’s and CC’s having, in some cases, a joint audit committee &/or a joint CFO?**

The widely varying approaches of different PCC’s in this area is evidence that, while local arrangements are often very helpful to meet local conditions, that can also lead to poor practice in some areas being unaddressed. There should be broad national standards allowing local variation while maintaining core values.

A number of PCC’s have a combined Accounts and Ethics Committee with a number of lay members and an independent/lay chair which is a logical approach.

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

PCC’s should be required to adhere to the same ethical frameworks and standards as other elected representatives, whether that is the system for MP’s or that of Councillors.

- x. **What actions are PCC’s 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 PCC’s and CC’s 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?**

It is not immediately apparent that this is a priority area for PCC’s work – this would benefit from some national standards and requirements.

- xi. Is there sufficient transparency of propriety information from PCC's, e.g. published info on expenses, registers of interests, gifts & hospitality and external meetings?**

It is interesting to note that this is being suggested at a time when the previous statutory requirement for registration of gifts and hospitality for local councillors has been removed. OPCC's should be subject to the same requirements either as MP's or local councillors with some national standards legislatively imposed.

- xii. What measures have proved helpful in supporting PCC's 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?**

There is little public evidence to assist in answering this question as the amount and nature of information published by PCC's offices varies so considerably – national standards would perhaps help.

Leighton Andrews AC / AM
Y Gweinidog Gwasanaethau Cyhoeddus
Minister for Public Services



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref MB-LA-4920-14

Paul Bew, Chair
Committee on Standards in Public Life
Room GC.05
1 Horse Guards Road
London
SW1A 2HQ
public@standards.gsi.gov.uk

28 November 2014

Dear Mr Bew,

Thank you for your letter of 15 October, addressed to the First Minister, regarding accountability, leadership and ethics in local policing. The letter has been passed to me as within my Public Services portfolio I have oversight of policing matters in Wales.

I do not propose responding to the specific questions in your consultation document, however, I would like to offer some general comments below.

When the concept of Police and Crime Commissioners was first proposed, the Welsh Government made it very clear that we opposed in principle the abolition of Police Authorities and the introduction of PCCs. However, once the law came into force and PCCs were elected, successive Ministers have worked closely with them to ensure the best interests of the people of Wales are represented.

Although responsibility for policing is not devolved to the Welsh Government, I hold regular meetings with the four Police and Crime Commissioners for Wales (as well as the Chief Constables) to discuss matters of mutual interest. The Police and Crime Commissioners for Wales consulted my officials on the content of their plans in the interests of aligning priorities and ensuring the best outcomes for the people of Wales. This also helps to ensure PCCs are acting responsibly in relation to their devolved functions.

Yours sincerely,

Leighton Andrews AC / AM
Y Gweinidog Gwasanaethau Cyhoeddus
Minister for Public Services



Tedder Hall, Manby Park, Louth, Lincolnshire. LN11 8UP
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Lord Bew
Committee on Standards in Public Life
Room GC05
1 Horse Guards Road
London
SW1A 2HQ

Email: public@standards.qsi.gov.uk

Dear Lord Bew,

Re: Local Policing – accountability, leadership and ethics

Thank you for your letter of Friday 10th October 2014 advising the Lincolnshire Police and Crime Panel of the inquiry into the public accountability structures of the Police which the Committee on Standards in Public Life has commenced.

The Panel has carefully considered the issues and questions paper you provided and our responses to the questions posed are given below.

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

The Panel believes there are gaps in the existing mechanisms for holding PCCs to account. The Panel believes it would be useful for a mechanism to be created where, in exceptional circumstances, the Home Secretary could be invited to place the office of a Police and Crime Commissioner into special measures or administration. This would only occur after the matter had been referred to the Home Secretary by a Police and Crime Panel and then only after that Panel had formally resolved to do so by the same majority currently required to invoke a veto.

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 PCC publishes information on his website required by statute and also details of meetings and events he will be attending. The PCC undertakes his own engagement events with the public and the Panel is able to receive feedback on these events and assess their value. PCCs have a higher profile

Your Reference:

Our Reference: Lincolnshire PCP

Contact: Emma Baldwin

Ext: 3052

Email: lincolnshirepcp@e-lindsey.gov.uk

Date: Friday, 28 November 2014

than the former Police Authorities and in this respect it may be said that public accountability has been improved.

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

The PCC publishes details of decisions he has made and also publishes his forward decisions plan. Though there needs to be further clarification of when a decision is of 'significant public interest' and therefore must be published by a PCC. There is some transparency, however, the Panel found with the work it undertook when looking into the suspension of the then temporary Chief Constable that record keeping around major decisions has, on occasion, been lacking. There could be more information provided to the public comparing how much of the statutorily required information each PCC publishes.

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?

Performance data is released by the PCC to the public on a quarterly basis; however, there are always areas which are highlighted and others which receive less coverage. The PCC's annual report provides a high level overview of progress made against objectives in the Police and Crime Plan. Information is accessible to those members of the public who may wish to find it. The Panel has questioned the PCC and Chief Constable repeatedly about the reliability of crime figures given recent events regarding manipulation of crime figures nationally.

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

The PCC has undertaken a series of summer engagements as well as attending other public events and providing interviews to the local media. This question may best be answered by the PCC.

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 require any further clarification?

The role of the Panel is limited to scrutinising the actions and decisions of the PCC, it is not supposed to scrutinise operational policing, however, it is nearly impossible to do one without the other. The ability of PCC's to bypass the Panel (for example when asking a Chief Constable to resign or retire or appointing a Deputy PCC) is far too easy. The Panel is asked to both scrutinise and support the PCC which is a difficult line to tread. The Panel believes the process leaves a lot to be desired and that Panels lack powers to deal with underperforming PCCs.

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

The balanced membership arrangements work well when the PCC is independent as is the case in Lincolnshire, however, were the PCC and most Panel members of the same political party this would be an area of concern. It could also be a concern in future were there to be large changes to the political makeup of Lincolnshire as it may mean losing very experienced members and replacing them with new members thus losing considerable knowledge and expertise built up over the last few years. It is essential that Panel members have the requisite knowledge and skills to do the job effectively.

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 threshold levels for the use of the veto are practicable, however, the fact the veto can only be used once for the precept (e.g. to veto the first precept proposal for being too high or too low) limits the Panel’s powers when considering a second precept proposal. The timeframe for consideration of the precept is also far too tight as Panels need only be notified of the proposed precept on the 1st February yet they must consider and vote on it by the 8th February.

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

Yes but only in exceptional circumstances where an authorities reputation would be at risk because a candidate was totally unsuitable.

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 Panel has no formal power to suspend or remove a PCC except in the limited circumstances prescribed in legislation. This limits the influence of the Panel over any potential conduct matters. The inability of the Panel to investigate complaints under the informal resolution guidelines also limits its effectiveness. The Panel should be able to act as a standards committee for the PCC if necessary. If the Panel formally resolves to disapprove of the conduct of the PCC the Panel should be given the power to direct the PCC to (a) issue a public apology or (b) undertake compulsory training. A decision notice would also be issued on the Panel’s and PCC’s website.

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?

It is very difficult for most local communities to recognise the difference between operational policing and the role of the PCC. Panel Members often receive operational policing questions from the public and parish councils which they want the Panel to put to the PCC. The Members then have to explain to members of the public not only the Panel's role but also the role of the PCC and the Chief Constable.

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 Panel has recently met with the Chairman of the Joint Independent Audit Committee and is reassured that the arrangements in Lincolnshire are working well.

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 key responsibilities of PCCs as ethical leaders are to ensure they maintain the highest ethical standards and lead by example. The PCC in Lincolnshire has recently adopted the policing principles embodied in the College of Policing's 'Code of Ethics' to demonstrate his personal commitment to maintaining high ethical standards. In addition to this the PCC has also adopted a 'Code of Conduct' which has recently been revised and adapted to incorporate elements of the APPC's ethical framework.

X. What action 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 Operational Policing Delivery Plan April 2014 – March 2017 sets out how Lincolnshire Police will introduce, train and disseminate the new Code of Ethics. Lincolnshire Police use the PRIDE (Professionalism, Respect, Integrity, Dedication and Empathy) model which is embedded in police training at all levels including initial training for staff, officers and volunteers and also training for those with supervisory and managerial roles. The force have also been developing video e-guides about behaviours, linking in with PRIDE and promoting the new Code of Ethics.

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

Information regarding the PCC's expenses, register of interests, gifts and hospitality and external meetings are published on the PCC's website. The Panel is also provided at each of its quarterly meetings with information regarding external meetings the PCC has attended.

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 Corporate Governance framework put in place by the OPCC helps to identify potential conflicts of interest for the PCC in discharging his duties.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'N. Norris', with a horizontal line underneath it.

Norman Norris JP
Chairman of the Lincolnshire Police and Crime Panel

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: Charlotte Breen
Contact address: Local Government House, Smith Square, London
Postcode: SW1 3HZ
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 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

The Local Government Association (LGA) is the national voice of local government. We work with councils to support, promote and improve local government.

We are a politically-led, cross party organisation which works on behalf of councils to ensure local government has a strong, credible voice with national government.

We aim to influence and set the political agenda on the issues that matter to councils so they are able to deliver local solutions to national problems. The LGA covers every part of England and Wales, supporting local government as the most efficient and accountable part of the public sector.

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

Police and crime panels have an important role to play in holding PCCs to account inbetween elections. In respect of conduct and standards issues, there are clear mechanisms for investigating allegations of criminal behaviour, with responsibility for this lying with the Independent Police Complaints Commission.

However the statutory provisions for holding PCCs to account where there are conduct or standards issues that do not involve criminal behaviour suggest more can be done to hold PCCs to account than can actually be done in reality. Panels' powers to deal with complaints about the behaviour or conduct of PCCs where the IPCC are not involved are limited. They can only seek an informal resolution of a complaint about the behaviour of a police and crime commissioner. They have no power to impose sanctions on the PCC. This year the Police and Crime Commissioner in Avon and Somerset breached their own code of conduct when they disclosed the name of a whistle-blower to the Chief Constable. The police and crime panel had limited powers to hold the PCC to account for their professional conduct and behaviour.

The LGA is of the view that consideration should be given to either increasing the powers of panels in respect of complaints, or handing over responsibility to the PCC for dealing with non-serious complaints against them. Given the lack of resources provided by the Home Office to panels it would be impractical for them to take on further powers and responsibilities in this area without further funding.

The situation in South Yorkshire following the publication of the Jay report to on the sexual exploitation in Rotherham also revealed another limitation in PCCs accountability. While Shaun Wright maintained he was not going to resign there was no mechanism to compel him to do so. The Home Affairs Select Committee has therefore published a draft bill allowing for the recall of PCCs. The LGA believes further consideration needs to be given to the draft proposals.

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 are statutorily obliged to publish a record of decisions that are of 'significant public interest'. However a definition of 'significant public interest' has not been given, and it is often not easy for those interested in scrutinising what the PCC is doing, including the police and crime panel to identify future key decisions the PCC will be taking.

PCCs should be more consistent, and more proactive, in publishing and updating forward plans of key decisions and making these available to the public and police and crime panels. If they are not willing to do so then consideration should be given to amending the Elected Local Policing Bodies (Specific Information) Regulations 2011 so PCCs have to produce a forward plan of key decisions, and to inserting a definition about what constitutes a decision of significant public interest into the regulations governing what information PCCs have to publish.

Question 3:

How are PCCs ensuring transparency in their decision making?

Comments

There is a range of practice amongst PCCs. As noted in the Home Affairs Select Committee Report of 2013/14, *Police and crime commissioners: progress to date*, a number of commissioners have failed to meet their statutory transparency requirements. In addition, 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.

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

Police and crime panels offer an additional layer of transparency and scrutiny for the public to have a balanced view of the work of the PCC. As a local authority committee, Panels' make publicly available all the agendas, reports and recorded minutes and allow for public questions to be made directly to the Police and Crime Commissioner. PCCs are also required to publish an annual report on their activity throughout the year and answer questions from the panel on it once it has been published. Police and crime panels welcome this report as it is a helpful mechanism to undertake effective public scrutiny.

Question 5:

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

Comments

No LGA comment.

Question 6:

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

Comments

As noted in the written response to the Home Affairs Select Committee inquiry, Panels have worked under difficult circumstances to establish their scrutiny function. There have been some particularly challenging events which police and crime panels have needed to adapt and respond.

The sad and unexpected death of the West Midlands PCC, Bob Jones, resulted in a number of unforeseen challenges for the panel. In Lincolnshire, the police and crime commissioner's decision to suspend temporary Chief Constable Neil Rhodes by circumventing the proper procedures resulted in a judicial review, and then his appointment to the substantive chief constable post. Events in South Yorkshire following publication of the Jay report also showed the limits of PCCs' accountability to panels.

- **Police and crime commissioners circumventing legislation**

There has been one incident where a Police and Crime Commissioner has effectively circumvented the spirit of the legislation that would allow for the appropriate scrutiny of the suspension or dismissal of a Chief Constable. Police and crime panels must be notified of a suspension, but no specific action is prescribed within the legislation.

This occurred in Gwent where, as the HASC report states, "*Mrs Napier was*

persuaded to retire voluntarily before the [scrutiny] process was initiated,” and highlights the relative ease with which PCCs are able to circumvent what are already limited formal powers of scrutiny. The difficulty for panels, as the Home Affairs Committee saw when it considered the case in Gwent, is that where the chief constable decides to resign because the PCC has privately expressed a lack of confidence in them, the panel will not be aware of this and has no ability to scrutinise the ‘decision’ because it is the chief constables and not the PCCs.

One option to address this issue in the LGA’s view would be for a PCC’s acceptance of a chief constable’s resignation, to be considered as a decision on a matter of ‘significant public interest’ and therefore for the police and crime panel to be notified as such.

- **Information Sharing**

Police and crime panels depend on good information sharing between themselves, the Police and Crime Commissioner and their office to inform their discussions and scrutiny. However, in a number of cases, Panels have faced difficulties in getting information. Research by the Centre for Public Scrutiny (CfPS), carried out for the LGA at the end of last year indicated that, for some, information has only been forthcoming after repeated requests and has then been incomplete. CfPS suggests that this is often because of disagreements relating to the kind of information about Commissioners’ activities which panels are entitled to see.

- **Decisions of Significant Public Interest**

PCCs are statutorily obliged to publish a record of each decision of significant public interest that they make, however, a ‘decision of significant public interest’ is not defined in regulations. Further, there is no requirement on a PCC to publish a forward plan of key decisions, a process which has aided public scrutiny in local government. As mentioned before, police and crime panels could benefit from:

- The introduction of a requirement into the Elected Local Policing Bodies (Specific Information) Regulations 2011 for PCCs to produce a forward plan of key decisions; and
- Inserting a definition about what constitutes a decision of significant public interest into the regulations governing what information PCCs have to publish.

- **Resources**

The Government’s expectation was that panels would provide light touch scrutiny and funded panels accordingly – on the basis that they would need to hold approximately four meetings a year. However, this is at odds with panels’ actual experience. Most panels have exceeded the number of expected meetings to fulfil their duties around confirmation hearings, complaint resolution and providing effective scrutiny of the activities of the PCC. Funding has primarily been used to provide secretariat support for the panels and there are very few examples where local authorities have had the resources

to supplement this. In many cases non-financial resources are being provided in kind.

Panels have taken the role of scrutinising PCCs seriously, but there is a risk that the good will and commitment of panel members will be undermined by low levels of funding and limited government ambitions for their role. For example, where a situation arises that requires significant additional meetings and activity, such as in Lincolnshire over the suspension of the chief constable, there is no additional funding available from the Home Office to take account of the additional work required.

Question 6a:

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

Comments

In the LGA's view the role of the police and crime panel does not need further clarification. What is needed is greater acceptance by PCCs and others, that, at times, panels will need to look into matters that may be labelled as operational or where the PCC has responsibility for holding the chief constable to account in order for the panel to better scrutinise the PCC.

Question 6b:

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

Comments

Local authority appointments to panels have met the requirement to produce "balanced" membership, in addition to appointing those with the appropriate skills, knowledge and experience to undertake effective scrutiny of the PCC. As a result panels broadly reflect the local political make up of their constituent local authorities. As a result a significant proportion of panel members are not of the same political party as the PCC the panel is holding to account.

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.

Politically mixed membership of the panels has supported the panels' role in undertaking effective scrutiny across the full range of their responsibilities. This has seen panels veto PCCs precept proposals and recommend in a number of instances that PCCs candidates for deputy PCCs should not be appointed.

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

Panels have encountered issues with both the requirement that two-thirds of the total membership of the panel is needed to veto the PCCs precept or candidate for chief constable, and also with the practicalities around the exercise of the vetos. The Avon and Somerset Panel did not agree with the PCC's precept proposals in February 2013, but was unable to muster the support from two-thirds of the panel's membership to veto the precept. Even where panels can muster the required two-thirds majority the PCC can set a revised precept that differs by a penny from the precept that has been vetoed. This limits the effectiveness of the veto as a tool to hold PCCs to account. With chief constable appointments, panels have on occasion been aware that the limited number of suitable candidates means the PCC only had one applicant for the post, and exercising the veto would in those circumstances have a considerable impact on the force in question.

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 LGA supports the view that police and crime panels should have the power to veto PCC appointments of senior staff where they believe the criteria for suitability were inappropriate or not satisfied.

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

In respect of conduct and standards issues there are clear mechanisms for investigating allegations of criminal behaviour on the part of the PCC, with responsibility for this lying with the Independent Police Complaints Commission.

However the statutory provisions for holding PCCs to account where there are conduct or standards issues that do not involve criminal behaviour give the impression more can be done to hold PCCs to account than can actually be done in reality. Panels' powers to deal with complaints about the behaviour or conduct of PCCs where the IPCC are not involved are limited. They can only seek an informal resolution of a complaint about the behaviour of a police and crime commissioner. They have no power to impose sanctions on the PCC. This year the Police and Crime Commissioner in Avon and Somerset breached their own code of conduct when they disclosed the name of a whistle-blower to the Chief Constable. The police and crime panel had limited powers to hold the PCC to account for their professional conduct and behaviour.

The LGA is of the view that consideration should be given to either increasing the powers of panels in respect of complaints, or handing over responsibility to the PCC for dealing with non-serious complaints against them. Given the lack of resources provided by the Home Office to panels it would be impractical for them to take on further powers and responsibilities in this area without further funding. Police and crime panels have also been required to respond to complaints where other complaint processes have failed to satisfactorily resolve the issue. Time is often required to explain to complainants that the complaints remit of the police and crime panel is not an appeal body for complaints against the police.

The situation in South Yorkshire following the publication of the Jay report on the sexual exploitation in Rotherham also revealed another limitation in PCCs accountability. While Shaun Wright maintained he was not going to resign there was no mechanism to compel him to do so. The Home Affairs Select Committee has published a draft bill allowing for the recall of PCCs and the LGA believes further consideration needs to be given to the draft proposals.

the CSPL consultation, communication of respective roles of PCC and Chief Constable is not well understood in relation to complaints, e.g. the panel frequently receives complaints that the PCC has failed to act satisfactorily in response to a complaint about the Chief Constable's response to a complaint about an operational police issue. However, the PCC has no power to get involved in operational issues. Lots of time is wasted explaining that the panel is not an appeal body for complaints against the police.

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 LGA comment.

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

No LGA comment.

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

No LGA comment.

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

No LGA comment.

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 LGA would advocate that all propriety information is shared with their police and crime panel to enable effective scrutiny and support of the PCC where needed.

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

No LGA comment.

How to hold Essex Police more accountable?

Thoughts from Epping Forest Neighbourhood Watch, from nearly 2,000 members on our facebook page.

1. Hold meetings when people can attend, evening meetings might be held too early for people, especially in areas where people commute or have child care issues. Elderly people are less likely to want to come out in the evenings too so why not go to where they are, which is often a church service on a Sunday.
2. People are complaining about the new style community meetings held every 8 weeks because of the way the hubs have been put together. The terrible Essex bus service means that people will only be able to attend a meeting in their own town every third meeting.
3. People in Waltham Abbey have been complaining about their meetings being held as far away as Roydon; which they say is too far away to be reached after work or if you are elderly and reliant on a public transport.
4. Another suggestion is to change the times of meetings so they rotate: so that sometimes it will be held during the day, and at other times in the evening or on a Saturday afternoon. This will allow different groups of people to attend. For example, many people can arrange child care on a Saturday morning, but not during the week.
5. The venue is important. For some time the Police in Loughton held their NAP meetings on a Saturday or Sunday evening in Debden, which would mean people walking along dark streets and going along an alley, if they were on foot. Unsurprisingly, people failed to attend and in the end the Police stopped calling the meetings and blamed it on poor attendance.
6. Some people have complained that the Street Meets are all held during the day, so that people who work cannot meet the PCSO's?
7. People feel that the Police do not advertise the meetings widely enough, relying on the EP website is a waste of time because most people never look at the website unless there is a problem, and even when they are on the right neighbourhood page, they might miss the event tab on the page. Only a small proportion of people buy the local paper so would not see an article there, the community messaging service is still in its infancy, but only a small proportion of people have signed up to it and older people tend not to be on line in any case. Notices put up in shop windows, at the stations and in other public places would get far more attention and many local or parish councils publish a newsletter, so if the meetings could be organised well in advance, I am sure the councils would include the details in their newsletter which usually goes to every home in the area. People feel the meetings allow them to hold the police to account, but if they do not know about the meetings, then they are denied the opportunity to do this.
8. People need to be able to report crime by email, and complain if necessary in the same way. At the moment our members say they have emailed local officers, and the response rate is mixed with many complaining they did not receive a reply and / or did not know if the incident they reported had been logged as a crime. In order to hold the police to account people also need to hear back from the police if they have experienced a crime or if they have given evidence in court, they should be told when the person who was convicted has been released from prison. That does sometimes happen and there is some very good practice here in EF, but still we continue to hear that nobody has followed up a call about more minor issues.

9. NHW Coordinators used to keep in regular touch with Neighbourhood Officers, and many of them would meet with the area Coordinators for a cup of tea once every so many weeks and would pass on information and requests for help. That seems to have stopped now.
10. The names of senior officers are on the EF website, but their contact details are not and it might be a good idea to include their email addresses too so that members of the public can contact them if they feel issues are not being dealt with by more junior officers.
11. Interestingly, out of nearly 2,000 people, nobody knew the name of our new Neighbourhood Inspector, other than a local councillor. Many people feel it is difficult to build a relationship with senior officers if they keep on moving around and people believe they are less committed to our area if Epping Forest is only just one step in their career path.
12. People have said they have emailed the PCC, but their email was then forwarded to a local officer to respond. I feel they write to the PCC because they feel that local officers have failed them and a response from a local Inspector might not be what they are looking for.
13. In operational terms, people continue to complain that they cannot get through to 101, and even when they do their call is often not taken respectfully. We advise people to phone in their suspicions and concerns, but some people said that after the response they got on 101 they will not do this again.
14. When people do phone 101, their call is often not logged as a crime unless they insist on an incident number. People say that they have phoned up about a burglary, car theft or other issue and it could be days before they are visited, if they are visited at all. I raised this with the PCC at his well-attended Loughton meeting and he said this should not be happening, but I am told it still is. This undermines the statistics published on police.uk and many people say they suspect their calls were not listed under the right category to 'fiddle the books' ie an attempted street robbery will be listed as antisocial behaviour. As I say, this is a perception that must be countered by the police if this is not true.
15. Antisocial behaviour is a major problem in towns like Loughton and Epping and many people have stopped trying to phone because when they do, they are told the police are busy elsewhere. Again this has an impact on the crime statistics. We hear about litter, vomit found in gardens, people urinating in the streets and loud noise, and this is the reality of living in Central Loughton or Epping on a weekend.
16. Following on from the last point, I have often raised issues with EP and have frequently been told there are just not enough officers to do the job they want to do. This is not the fault of our local police officers who all work incredibly hard, but they are clearly struggling. We feel we cannot hold the police accountable in this case.
17. Following our Community Meeting I asked members of my facebook group to give me information about where drug dealing was happening and we collated two pages of places where it tended to happen. Only one was chosen as a priority. That is not the fault of our local police service because they need far more officers to investigate all the reports, but it does need to be addressed as a lot of our members' lives are blighted by drug dealing / using, and many report smelling it through the walls of their homes. When they have contacted the police, nothing has been done, so they don't bother to phone again.
18. Neighbourhood Watch struggles to get information out to people, but there appears to be no way we can speed this up! Unless people know what is happening in their area they cannot help the police and cannot hold them to account. For example, we often hear of crimes such as robbery or car theft on our facebook page long before the local police do, and we sometimes wait weeks for the CCTV to be issued, if indeed it ever is! By that time people have forgotten where they were on a particular date. This needs to be urgently addressed if

the public are to usefully help the police and hold them to account, if need be, for a failure to act over a particular case.

19. There are also various officers tweeting which is really useful and I would point to DI Rob Huddleston who does a great job letting us know about stolen cars, etc. However NPAS Boreham is often days late, so their tweets are a waste of time. People are anxious when they see a Police helicopter overhead and want to know now why it is there.
20. The EP media office frequently sends out messages saying they are understaffed and local journalists all complain about this and sometimes contact NHW for information they cannot get any other way. Towns like Colchester, Harlow, Chelmsford seem to be much better at sending out information than Epping Forest, and when one of our towns is finally highlighted by the Media Dept. it is often a week or two after the incident. How can we hold the police to account if we do not know what they are doing?
21. In towns such as Buckhurst Hill, Epping and Loughton, there is clearly a lot of trouble being caused by people coming here from London. There appears to be a problem of youths and young adults coming into the town to steal phones from young people early evenings and at the weekends. When people have complained about this (including me) we are told that there are not enough officers to send out to incidents or to patrol the main streets. Recently there were enough officers when an incident happened very near the police station and the culprits were caught, but this does not happen enough and it was not publicised enough to let people know what had happened. A NHW colleague who works for the Met raised this at our Community Meeting and the High Road area has now been made a priority, but our members feel that we need visible presence at weekends in all our High Roads to deter this crime creep in from London, but when there are only one or two Neighbourhood Officers on duty at any one time, and while they can be moved to other areas for special operations so we have none at all or maybe on only one for the entire area, we feel we cannot rely on them to be there when we need them.

These thoughts have been compiled from the Epping Forest Neighbourhood Watch facebook page.

Sue Taylor

Loughton NHW & Vice Chair of the Epping Forest NHW Committee

MOPAC

MAYOR OF LONDON
OFFICE FOR POLICING AND CRIME

Mr Paul Bew

Chair

Committee on Standards in Public Life

public@standards.gsi.gov.uk

22 December 2014

MOPAC22122014-16343

Dear Paul,

Thank you for your letter explaining the inquiry on the public accountability structures of the police that your committee is undertaking.

As I am sure you are aware, the Police Reform and Social Responsibility Act 2011 sets out specific arrangements for London whereby the equivalent to a Police and Crime Commissioner's responsibilities are invested in the Mayor.

MOPAC has created a number of mechanisms for ensuring good governance and accountability which fall within the remit of your inquiry. These range from the corporate (the scheme of delegation and code of governance), to direct engagement with the public (roadshows) and transparency (the use of mechanisms such as MOPAC challenge and data dashboards). To provide an additional focus on ethics, the Mayor has established the London Policing Ethics Panel, chaired by Lord Carlile of Berriew QC.

You will also be aware that the mechanisms for the Mayor to account via the London Assembly also differ from the rest of the country, both in law and practice.

I understand that Rebecca Lawrence, Director of Strategy has discussed MOPAC's accountability structures with you and I would be delighted to set up a meeting with you to discuss this further in the New Year. My office will be in touch to make the necessary arrangements.

Yours sincerely,



Helen Bailey

Chief Operating Officer

Mayor's Office for Policing And Crime

Chief Constable of Merseyside Police

Local Policing – Accountability, Leadership and ethics

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 is particularly invites responses to the following questions:

- I. Are there any gaps in the existing mechanisms for holding PCCs to account?
Legislation provides an accountability framework, supported by structures and processes, primarily through the creation of a Police and Crime Panel. Underpinning the whole approach are assumptions that the public would be sufficiently engaged, would want to be engaged, and would have an acute interest in the policing of their area, that they – through elected representatives on the Police and Crime Panel and ultimately through the ballot box – would hold PCCs to account. In practice this has not happened. Turnout for PCC elections is appallingly low, and it would be hard to find a member of the public aware of the Police and Crime Panel. It would be even harder to find anyone who could explain their role and who their members are. The failure of the public to be engaged, or perhaps to want to be engaged, is a ‘fault line’ running through the whole accountability issue. It undermines the concept on which legislation is built and, therefore, the effectiveness of existing accountability mechanisms. With regard to whether there are any gaps in existing mechanisms for holding PCCs to account, it’s not so much a fault in the structures and systems in place, or that there are possible gaps. Further bureaucracy and additional tiers to the existing framework should be resisted, particularly as a means to enhancing accountability when more fundamental issues – public apathy – need to be addressed. It may be that the whole model – PCCs and Police and Crime Panels – needs to be reconsidered.
- 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?
In general terms, PCCs make themselves accessible to the public via the media, surgeries, public meetings, engagement with various partners, agencies and voluntary groups, and through publication of reports etc. This demonstrates transparency and accountability to the public, providing opportunities to explain decisions and seek views. With regard to their effectiveness, this is questionable. For reasons explained above, public apathy undermines the effectiveness of the various mechanisms. Despite best efforts, public engagement is limited.
- 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?
Dedicated websites are used to publish a broad range of information covering various aspects of policing. This includes reports to scrutiny meetings and a summary of decisions taken. The outcome of meetings held directly between the PCC and the Chief Constable are also published. Published information is accessible, understandable and reliable.

V. What has worked best for PCCs in engaging with the public and local communities?
PCCs have undertaken a broad range of engagement activity. It would be inappropriate to comment on what has worked best since this is primarily a matter for PCCs.

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 short answer to this is yes, insofar as their role is understood by the public. To be truly effective, the public needs to be aware of the membership of the Panel, their role and the procedures for how the public can raise issues with the Panel. It's suggested none of these are in place at present. If a Panel is to hold the PCC to account – on behalf of the public – they cannot do this effectively if the public lack awareness of their existence and Panel members are unaware of issues of concern to local communities.

b. How well are the current “balanced” membership arrangements ensuring effective scrutiny and support of PCCs?
The question suggests part of the remit of Panels is to ‘support’ PCCs. This should not be the case since they exist primarily to hold PCCs to account. The exercise of effective scrutiny may be an issue in some force areas if the Panel is made up of members who share the same political allegiance as the PCC.

c. Are the current membership thresholds requiring a two thirds majority to veto a PCCs level of precept and appointment of a Chief Constable proving practicable?
It's not possible to comment on the practicality of either example since neither have been applied to date.

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. This arrangement enhances transparency and accountability to the public and ultimately strengthens integrity of decision making.

e. How should PCCs be held to account for their standards of personal conduct? What role should Police and Crime Panel have in this?
The personal conduct of PCCs can have an impact on how a force is perceived by the public. It's important, therefore, that PCCs are held to account, in the same way that a Chief Constable is, for their standards and values. In addition to maintaining standards applicable to public office (Nolan), they should equally demonstrate their commitment to the Police Code of Ethics. The Police and Crime Panel should be capable of instigating enquiries (using independent bodies if necessary) in response to any malpractice and for the implementation of sanctions and disciplinary measures for any supported breaches.

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?

Whilst the general public have a good understanding of the role of a Chief Constable, they are largely unaware of the roles and responsibilities of the PCC and the Police and Crime Panel. This is a national issue that requires a national response. More needs to be done to communicate their respective roles.

- 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 Joint Audit Committee is a key component of the Police and Crime Commissioner's and the Chief Constable's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards. The Committee provide independent advice and recommendation to the Police and Crime Commissioner and the Chief Constable on the adequacy of the governance and risk management frameworks, the internal control environment, and financial reporting, thereby helping to ensure efficient and effective assurance arrangements are in place. The Chief Finance Officers of each respective organisation are fully engaged in all Committee meetings and the PCC and Chief Constable have an annual meeting, which gives the opportunity for members to discuss their annual report.

Questions (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:

- I. 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?

Although the key responsibilities outlined within the Policing Protocol are not specific in terms of upholding ethical standards, it is expected that the principles of goodwill, professionalism, openness and trust are fundamental. As PCCs are required to abide by the Nolan Principles, it would be expected that a key element of their role would be as 'ethical leaders'. They are responsible for acting solely in the public's interest, acting with integrity and objectivity and being open and honest. As well as exhibiting these principles, PCCs should actively promote and support the principles and be willing to challenge where necessary, holding the Chief Constable to account for upholding and maintaining ethical standards.

- II. 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 PCC holds the Chief Constable to account for complaints and civil litigation, and is the appeal body. The PCC has regular one to one meetings with the Chief Constable and holds the Chief Constable to account via a Performance and Scrutiny Group meeting. The force's approach to cascading the Code of Ethics is through the 'Just' trilogy (Just Think, Just Talk, Just Lead), which is the Chief Constable's personal initiative. The force has a 'Standards and Values Policy', which defines our standards and values and helps embed them throughout the organisation, in order that they become second nature. The Chief Constable holds a series of roadshows, for all staff across the force in order to promote the core values. These are supported by internal marketing campaigns.

- III. 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 is committed to being fully compliant with the Elected Local Policing Bodies (Specified Information) Order 2011 which sets out the information all Police and Crime Commissioners must make public. The PCC's website contains details of external meetings and the publication scheme, providing specific details in relation to:

- The Commissioner
- The Deputy Commissioner
- The staff, including gifts & hospitality
- Income and expenditure of the Commissioner
- Property, rights and liabilities of the Commissioner
- Decisions of the Commissioner
- Policies of the Commissioner

- IV. 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?

Local arrangements are in place through structured and regular one to one meetings between the PCC and Chief Constable, which provide a mechanism for identifying and resolving any conflict of interest (where they may arise). This provides checks and balances to ensure that the PCC and Chief Constable do not impinge on each other's statutory duties. The principles outlined in the Policing Protocol are routinely observed and the Chief Constable retains operational independence at all times.

Merseyside

Committee on Standards in Public Life

Local Policing – accountability, leadership and ethics

Current Accountability Structures

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

No, existing mechanisms (i.e. the Police and Crime Panel and elections) are sufficient

What can PCCs do themselves to improve their accountability to the public in between elections?

How well are these mechanisms working in practice?

PCCs should use public consultation when making key decisions, such as deciding on the level of the police precept or new commissioning models for services to victims. It is vitally important that PCCs personally engage with the public, both during these periods of consultation and outside them. There are good examples across the country of PCCs engaging with the public in various ways.

How are PCCs ensuring transparency in their decision making?

The main tools used to ensure transparency in decision making are public meetings and publishing information on the PCC's website. The PCC holds a number of formal public meetings each quarter but in addition has public meetings and community road shows about specific subjects, e.g. the Estate strategy. In Merseyside, the PCC's Community Engagement Team also meet members of the community, mainly through interest groups, and are able to explain the decisions made. The PCC's website includes information on how decisions are made, agenda's and minutes from meetings and decisions of significant public interest. The Police and Crime panel have looked at how decisions are publicised and made recommendations to improve the processes, which have been implemented, e.g. Publication Policy.

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 PCC has established a Performance Monitoring Group to oversee the performance of the Force, the agendas and minutes of these meetings are published on the PCC's web site. The Group's meeting are also held in public.

The Group considers performance against the PCC's Police and Crime Plan targets, as well as organisational issues, such as the Budget, estate and employee related issues. Information, and key decisions are also published on the PCC's website.

Crime statistics are complex and not always easy to understand by the public. Comparisons across time and different areas within Merseyside add to the complexity but this is needed to understand the reasons behind the crime figures. The reliability of crime figures is tested by an in house process that reviews the data quality but nationally weaknesses have been identified by a recent HMIC report. This will affect the public's perception of the reliability.

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

The Commissioner and her Community Engagement Team have used a wide range of diverse methods to engage with the communities of Merseyside as effectively and efficiently as possible. In order to ensure the best use of resources and avoid unnecessary duplication, the vast majority of public engagement takes place alongside partner agencies - 'piggy-backing' where possible on

existing engagement provision. This ensures the widest possible section of the Merseyside community is reached, including minority groups, who may be the most vulnerable members of our society. This can also ensure the appropriate partner agencies are present when necessary, such as registered social landlords and local authority services.

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?

No, the role is well clarified under current legislation and understood by both the PCC and the Panel on Merseyside

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

This works well on Merseyside

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?

Yes, this works well on Merseyside

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?

No, this is not the view of the Commissioner on Merseyside

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

In the PCC’s view, consideration should be given to the possibility of giving the power of recall to the public. However, police and crime commissioners should not be treated any differently from other elected officials, such as elected mayors, or elected representatives such as MPs or councillors

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?

Anecdotal evidence from community engagement events and correspondence from the public suggests that there is some misunderstanding of the role of PCCs amongst the general public. One key issue is that some members of the public seem to believe that PCCs can directly influence operations policing, which is not the case.

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 PCC and Chief Constable have a Joint Audit Committee. The purpose of the Committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the organisations financial and non-financial performance to the extent that it affects the organisations exposure to risk and weakens the control environment, and to oversee the financial reporting process.

To date the Committee, based on the work that it has undertaken, has not identified any significant control risks, and the assurances received on the operation of the PCC’s and Chief Constable’s systems of governance, risk management arrangements, control environment and financial reporting arrangements, the Committee has concluded that the arrangements reviewed are adequate. The Committees findings have been reported to both the PCC and the Chief Constable, as well as being reflect in the Annual Governance Statements. In addition, all Audit Committee

Meetings are open to the general public, publicised on the PCC website, including agenda's and minutes. No conflicts of interest have occurred by having a Joint Audit Committee.

The Audit Committee has recently undertaken a review of its effectiveness against its terms of reference and its objectives. The Committee determined that it was effective but identified areas where improvements could be made. These included reviewing arrangements for countering fraud and corruption, value for money risks and Treasury Management arrangements. The findings of the review have been shared with the PCC and Chief Constable and an action plan was agreed to address the areas identified. With the implementation of this action plan it is expected that the Committee will become more effective during 2014/15.

External auditors, Grant Thornton, were asked for their views on the Committee and found no issues with it.

The PCC and Chief Constable both employ their own Chief Finance Officers.

Ethical leadership to promote and sustain the values of the Policing Code of Ethics

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?

To set the ethical standards and ensure that they are fully understood throughout the organisation. The PCC's Corporate Governance Framework sets out how the Commissioner and Chief Constable will uphold high standards of conduct and behaviour. This includes a commitment to the seven Nolan principles, and a series of policies and procedures that cover different aspects of the business.

To set an example by their own behaviour. This includes the disclosure of the PCC's expenses and interests. The Scheme of Corporate Governance ensures that the Commissioner will only become involved in financial transactions at an appropriate level and is not involved in the process of awarding contracts.

To ensure that there is an adequate support (including budget allocation) for departments that maintain ethical standards, e.g. internal audit, PSD, internal review of crime statistics, Joint Audit Committee, etc.

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 main problems is to ensure that the message about ethics is transmitted from the PCC and Chief Constable accurately to all employees. The Chief Constable has organised a series of road shows that are intended to cover all employees. The PCC attends and supports the Chief Constable, as well as gives a thematic presentation at these road shows.

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 Elected Local Policing Bodies (Specified Information) Order 2011 sets out the information that all Police and Crime Commissioners must make public and the PCC is committed to being fully compliant with this order. The Order is comprehensive and covers all the areas expected to ensure that the decisions taken by the PCC are open and transparent. The Police and Crime Panel, as well as other independent organisations such as CoPaCC, provide scrutiny and support to ensure that the

PCC publishes all the information that it is required. In addition, the PCC has approved a policy on the publication of key decisions, which again is monitored by the PCP.

This information is published on the PCC's website and is freely available to anyone with access to the internet. The information is not published in any other format but would be if requested. No request has been received.

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 Policing Protocol, the Police Reform and Social Responsibility Act 2012 and the Financial Management Code of Practice, as well as guidance from professional organisations such as CIPFA, have helped define PCC's functions and responsibilities and resolve potential conflicts of interest in discharging the PCC duties. These have been supported locally by the establishment of a Corporate Framework, including Scheme of Consent and delegations, as well as Financial and Contract Standing Orders. To date these arrangements have been sufficient.

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.

<p>Name: Councillor Bill Weightman on behalf of Merseyside Police and Crime Panel Contact address: c/o Democratic Services, Knowsley MBC, Municipal Buildings, Huyton, Knowsley Postcode: L36 9YU Contact Telephone: 0151-443-3367 E-mail: dave.moran@knowsley.gov.uk</p>
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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

As its chairperson, I am responding on behalf of the Merseyside Police and Crime Panel.
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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

We feel that the existing mechanisms for holding PCCs to account are not currently strong enough. Whilst PCPs have been established to act as an appropriate check and balance on the exercise of power by directly elected individuals, it can certainly be argued that the Panel have little in the way of powers to prevent “wrong” decisions being made. In only two instances, Panels are able to apply a veto in relation to a PCC decision – the appointment of a Chief Constable; and the setting of a precept. Nevertheless in each instances, the Panel’s power relates only to the first proposal – the power of veto does not apply to a PCC’s subsequent proposal in relation to either matter.

In the same way that local authority scrutiny functions have the power to call-in a decision by an executive (Directly Elected Mayor/ Cabinet etc.), Panels should have the power to call-in significant decisions being made by Commissioners. Reviewing decisions made by Commissioners weeks or sometimes months after they are made is too late and can only really point out errors after they have been made. Such a system would require appropriate mechanisms to be put in place for Commissioners to publish such decisions within no more than 5 working days. Panels would then be given a short period of time to call-in a decision. If a decision is called-in, implementation must be delayed until it has been reviewed by the Panel.

Such a system would place the onus on Commissioners to ensure that proposed decisions are consulted on appropriately before they are due to be made. There should be a legal requirement for Commissioners to publish a list of forthcoming significant decisions. This should involve at least 28 days notice being given of such decisions. The notice should include the manner in which the Commissioner intends to consult on the decision (or indeed an explanation of how such consultation has already occurred). Commissioners would be obliged to engage constructively with Panels in such consultation as a means of avoiding the need for call-in to be exercised. Clearly such arrangements would need to be counterbalanced with the facility for Commissioners, in exceptional circumstances, to make decisions urgently without the opportunity for them to be called-in. Nevertheless there would be an

obligation for such provisions to be used sparingly and only where absolutely justified. (This could require the agreement of the Panel Chair in consultation with the Monitoring Officer of the Host Authority and the Chief Executive of the Commissioner's Office)

It has been argued that the statutory framework established by the 2011 Act provides sufficient power for PCPs to hold PCCs to account effectively. However, even if the statutory framework were felt to be adequate, a Panel can only exercise its duties and responsibilities within the resources available to it. In relative terms, the maximum Home Office grant available to support a Panel's activities is small. It is acknowledged that the constituent authorities in each Panel area can potentially allocate additional resources (financially or in kind) to support a Panel. However in the current economic climate and fiscal context, the likelihood of substantial additional resources being made available locally is remote.

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

There are clearly a number of avenues through which a Commissioner could look to improve their accountability. A key tool is a Commissioner's website. This should be a source of important information about how a Commissioner is fulfilling their statutory obligations in their role. In particular the website must clearly demonstrate how the Police and Crime Plan is being implemented and what a Commissioner is doing specifically to ensure this happens.

Commissioners' websites must clearly set out what decisions have been made by them and the reasons for those decisions. Ideally such websites should provide advance notification of decisions due to be made and indicate how the public (and panel) can inform or influence such decisions before they happen.

It is also important that Commissioners are publicly visible. However there clearly needs to be an appropriate balance struck in terms of how such visibility is able to provide reassurance that Commissioners are fulfilling their statutory role effectively. In practical terms, Commissioners should be expected, as far as possible to conduct their statutory business in public. This includes decision-making and holding the Chief Constable to account. Whilst a Commissioner being seen to be "out and about" at other organisations' public meetings and events has some value, it is not of itself enough to permit a Commissioner to be accountable to the public.

Decision-making behind closed doors and private one-to-one meetings with Chief Constables may on occasion be necessary but the default position should be one of openness and transparency with statutory duties being fulfilled in the public arena. This should be provided for specifically in legislation.

Currently, local practice falls short of these expectations. However it should be noted that local practice has improved considerably over the past two years. Nevertheless we feel further improvement could be achieved.

Question 3:

How are PCCs ensuring transparency in their decision making?

Comments

It would appear that Commissioners attempt to ensure transparency through fulfilling the minimal obligations of the “Specified Information Order” and other relevant statutory requirements. As indicated in answers to (1) and (2) above, we would suggest that minimal compliance is not enough. Commissioners should not only be expected to do more (as set out in guidance issued on the Specified Information Order), they should be legally required to do so.

As outlined earlier, the Commissioner’s website is a key tool for ensuring transparency. However websites need to be accessible and easily navigable.

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

Approaches are likely to differ from area to area. On Merseyside, the Commissioner has established a Performance and Scrutiny Group which meets quarterly to discuss Force performance, particularly in relation to key Police and Crime Plan priorities. At the strong suggestion of the Police and Crime Panel, these meetings were made public meetings about a year after the Commissioner took office. Whilst the Commissioner is statutorily obliged to hold the Chief Constable to account for performance, it is the Deputy Chief Constable and a supporting team that attends these meetings to respond to the Commissioner’s enquiries. Papers in relation to these meetings are published on the Commissioner’s website and a set of minutes subsequently produced and made available. These papers tend to include lots of visual representations of performance against a wide range of performance targets. Judgement may need to be reserved on the extent to which the presentation of information in this way could be

considered to be easily accessible, understandable and readable.

Whilst the Commissioner's website may provide a clear sense of the volume of her activity, it would be difficult to say that this also presents a clear sense of whether her key priorities are being achieved and to make a judgement on the difference she has personally made after two years in office.

To assist the Commissioner in doing this, the Police and Crime Panel in both 2013/ 2014 and 2014/ 2015, has formally requested the Commissioner to report on the progress against individual police and crime plan priorities at each scheduled Panel meetings. The reports submitted in response to the request provide a sense of the activity in place to deliver the priorities but often falls short of demonstrating whether such activity is making the right impact. It is also often difficult to judge whether such activity would have happened whether the Commissioner or her Plan were in place. In this sense, it can be hard to make a judgement on what difference the Commissioner is actually making in playing her role.

Question 5:

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

Comments

This question is difficult to judge. The Police and Crime Panel has urged the Commissioner since she took office to adopt a different approach to public engagement. The Commissioner has continued to adopt her preferred approach. This has perhaps been typified by an extensive "consultation" exercise recently carried out in support of a proposed Estates Strategy for the Force. More often than not, the Commissioner will judge the success of her engagement approach on the volume of her encounters with the public, the number of responses received and more particularly the number of positive responses received to consultation questions framed and posed directly by her office and the Force. In response to this, the Panel has taken the view that the quality of consultation is more important than its quantity.

Question 6:

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

Comments

Panels tend to do their best within the context in which they are operating. This can often mean working within considerable constraints: limited resources, little effective power to exercise, a reliance on the ability to influence and inform a Commissioner who may not necessarily be receptive to support and advice and the lack of quality information/ documentation which would allow a Panel to make an informed judgement on whether a Commissioner is playing an effective role or not.

As outlined in the responses to the questions above, there are clearly opportunities to improve the status and position of Panels. However the key elements are power and resources. Without these, Panels may continue to be perceived as an unnecessary evil or an inconvenient irritant.

Question 6a:

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

Comments

The role of Police and Crime Panels is pretty clear – the Policing Protocol Order spells this out. Unfortunately the wherewithal to play that role effectively is not always present; nor is a clear interpretation of that role. A key element in this is the understanding that Commissioners have of the Panels’ role. With Panels having been a relatively late legislative addition to the package of policing governance, the sense of their having been an afterthought lingers.

Question 6b:

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

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.

Local experience suggests that the balanced membership requirements helps to ensure that minority parties are represented on Panels. Whether this contributes to effective scrutiny and support of PCCs is unclear. This is really dependent on the capability and capacity of the individual members nominated to serve on the Panel.

On Merseyside, it could be argued that the presence of minority party representation has assisted the Panel in playing its role 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

This is not a requirement that has presented an issue/ difficulties on Merseyside.

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. This should certainly be the case. On Merseyside, where the Commissioner looked to appoint a Deputy Commissioner earlier this year, the Panel took the view that the Commissioner had not sufficiently demonstrated the rationale behind the establishment of the position, how the preferred candidate had been identified or indeed the specifics of what the role entailed. On this basis the Panel found it difficult to support the appointment of the Commissioner's proposed nominee. In the absence of a veto or indeed the power to require the Commissioner to justify the appointment, the Panel was unable to prevent the appointment being made.

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

It is clear that Commissioners should be expected to sign up to a national Code of Conduct. They would then be held to account for how they adhered to its conditions.

In terms of the Panel's role, practical experience locally would suggest that in the absence of an appropriate level of resources, the task of administering complaints should not as a default fall to the Host Authority of the Panel (more often than not its Monitoring Officer). On Merseyside the Panel initially delegated responsibility for complaint handling (with agreement having previously been obtained) to the Commissioner's Chief Executive. The acceptance of this delegation was withdrawn subsequently when the Commissioner's Chief Executive changed.

Subsequent experience suggests that complaints against commissioners tend to come at the end of a protracted process in which an initial alleged cause for complaint is pursued through various avenues (PSD, Chief Constable, Office of the Commissioner) until it culminates in a dissatisfaction with a Commissioner's alleged failure to do something. It is suggested that complaints against the Commissioner should automatically fall within the remit of the Chief Executive (Monitoring Officer) of their office. If a Panel were to have any role to play in the handling of such complaints it would potentially be to act as an appeal mechanism, in exceptional circumstances, if the complainant is not satisfied with outcome of the handling of a complaint.

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

From a local perspective, there is a risk that these roles tend to be blurred. It is not often easy to judge where the strategic ends and the operational begins. Whilst it is clear that Commissioners and Chief Constables should have robust and effective working relationships, there is still the risk that the relationship might be perceived to be too cosy and unchallenging. Openness and transparency around how a Commissioner holds a Chief Constable to account is key to this. It is not enough to know that a Commissioner meets regularly with a Chief Constable to discuss issues of mutual interest and importance. Local Communities need to be confident that the Commissioner is acting as their voice in ensuring that a Chief Constable is working effectively within the strategic framework set by the Commissioner. This can only be best done in public not behind closed doors. There should therefore

be an expectation (even statutory requirement) for Commissioners to hold their Chief Constables to account on the delivery of the Police and Crime Plan in public.

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 has been no evidence of specific conflicts of interest that has come to light locally. However the Panel has expressed concern about the establishment of a Joint Internal Audit Team between the Force and the Commissioner's Office. The Panel felt that this potentially compromised the independence of the Commissioner's Internal Audit function.

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

Commissioners' key role is to hold Chief Constables to account for what they do. This includes impressing on them the importance of ethical leadership and being confident that Chief Constables adhere personally to the appropriate standards of behaviour.

Commissioners should be playing a key role in seeking assurance that internal force complaints mechanisms are working fairly and consistently ensuring that all complainants are dealt with even-handedly with a guarantee of the right outcome in all complaints. This is essential in building community trust in the Police. The Commissioner should be in a key position to demonstrate objectively to the public that the system acts in their interest.

In this respect, there should be an obligation on Commissioners to report annually on how this responsibility has been carried out as a means of demonstrating publicly that Commissioners are acting on the local community's behalf in quality assuring local complaints systems.

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

Further to the response to (9), it can be suggested that Commissioners might need to do more in these areas.

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 Specified Information Order requires the publication of this information. It is important that Commissioners have the appropriate mechanisms in place to ensure this information is made available publicly on their websites and is updated as and when required.

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

It is not clear that issues in relation to these matters have arisen locally. In this respect, it is not possible to express a view either way in relation to these questions.

RESTRICTED

Deputy Commissioner Metropolitan Police Craig Mackey**Local Policing - Accountability, Leadership and Ethics**

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?

There is no gap in the mechanism for holding PCCs to account; the London Assembly's committee structure provides effective, robust accountability of the Mayor and the Mayor's sphere of responsibility. However, it is not always clear whether the mechanism operates as it should i.e., it is sometimes difficult to distinguish whether the Police and Crime Panel is scrutinising the Mayor's Office for Policing and Crime's (MOPAC) role in holding the MPS to account, or scrutinising the Met directly.

There maybe a concern that in London, there is sometimes an overlap between national accountability mechanisms to keep the nation safe and local responsibilities to taxpayers in London. As funding becomes more challenged in the future, these two dimensions will be brought greater into focus.

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

Several mechanisms are used in London to enhance accountability of the Mayor in relation to his PCC responsibilities. These include:

- The MOPAC Challenge; a monthly meeting held in public at which MOPAC hold the Commissioner and/or his representatives to account,
- Road shows between the MOPAC and MPS representatives held in each London Borough following changes to the local policing model in London
- People's Question Time which is a Mayoral meeting at which the public can ask questions of the Mayor (this is not exclusive to his policing responsibilities)
- Strategy consultations held when MOPAC refresh policing objectives
- 'Crime reduction' type strategic boards between various delivery partners in the criminal justice arena which are held in public

Public facing engagement events appear to be working and are generally well attended. Consultations are well signposted and publicised through a range of channels.

We also believe that there is limited comparative data available nationally which enables forces and PCCs to understand why there are differences across the country. Greater analysis of available data would enable the public to form a more objective view of how the force and PCC are performing in their local area.

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

Minutes of meetings and decisions made are published on the MOPAC website. Many meetings are held in public including the MOPAC Challenge meeting which charts progress in delivery of the Police and Crime Plan.

MOPAC also publish invoices and contract information which enables greater transparency of public spending. This should be encouraged and the format made as easy as possible for the public to access and scrutinize.

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?

There is an increased availability of meaningful, evidence based data through dashboards linked to the Police and Crime Plan which can be accessed via the MOPAC website. Nationally information is available on HMIC inspections of the Met and annual value for money profiles.

This information is becoming increasingly user friendly and easy to access via the internet but consistency of information is important to enable comparisons over years and this is not always available.

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

Joint road shows between MOPAC and the MPS to London Boroughs explaining changes in policing across London.

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?

In London, the PCP holds monthly questioning sessions of MOPAC and the MPS and the role of the PCP is clearly documented. However, as at question i it is not always obvious particularly to the public that the Panel is distinguishing between the two bodies i.e., MOPAC and the Met when holding to account.

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

In London, the Panel is drawn from the elected membership of the London Assembly and therefore representative. This is not however a guarantor of the necessary skills and knowledge to ensure effective scrutiny or support.

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?

Arrangements in London are slightly different and fit with the Mayor and London Assembly model; it is practicable, although does elongate the process.

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?

PCCs should be required to explain all senior appointments and criteria upon which they were selected.

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

We believe PCPs already have a duty to investigate non-criminal allegations against the PCC and that this is appropriate to their role. In London, the GLA has established governance structures that set out clear codes of conduct for the Mayor, his appointees, London Members of the London Assembly and GLA staff.

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 respective roles and responsibilities of the PCC and Commissioner are well documented and communicated, variously through websites, newsletters and engagement events. However, as with any relationship of this nature e.g., head teachers and governors, it is detail that few people seek.

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?

In London we operate a joint Audit Committee that seeks assurance on behalf of the Mayor and the Commissioner that the internal control environment is effective in both organisations and that the frameworks in place to discharge legal duties in relation to health and safety and equalities and diversity are adequate. The Committee receives regular reports from the MPS and MOPAC on significant risks, findings from audits and inspections and analytical data relating to the acceptance of gifts and hospitality.

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In practice, given the size of the Met, this Committee can only operate at a very strategic level to ensure that significant frameworks are appropriate and the highest level risks are being addressed.

The terms of reference for Joint Audit Committee also state that it assists MOPAC to discharge its statutory responsibilities in holding the MPS to account and is responsible for enhancing public trust and confidence in the governance of MOPAC and the MPS.

We believe that this creates a confused role for MOPAC representatives at the Audit Committee as they are being judged and advised on the governance arrangements for MOPAC whilst at the same time working with non-Executive members to judge and advise the Commissioner on MPS governance. A separate or “two part” Audit Committee may be more appropriate.

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?

We believe that it is the responsibility of the PCC to consider issues of special ethical concern to Londoners and provide ethical advice on policing issues that may impact on public confidence.

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 London Policing Ethics Panel has been established by the Mayor to provide him with independent advice on ethical issues that arise from operational policing. The Panel chair and members have been appointed by the Mayor for their knowledge of policing and crime matters, legal expertise, experience of ethics and ethical judgments, and dedication to improving public accountability.

The Mayor refers to the Panel any matter of operational policy which he considers impacts or may impact on the effectiveness and efficiency of the police and the broad public consent for policing, and may commission specific pieces of work.

In 2012 the Commissioner initiated the Total Professionalism Programme to raise the standards of leadership and behaviour throughout the Met. There is a significant programme of work ongoing to embed the values that are within the Policing Code of Ethics. In addition the Met strategy framework and vision incorporates the values of the organisation and underpins all strategy development.

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?

Yes, policies and procedures are in place to ensure that appropriate information is published; regular reports are also made by MOPAC and the Met to the Joint Audit Committee.

**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 do not have a view on this.