

Consideration	
Public	Public
Report to:	Nottinghamshire Police and Crime Panel
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Agenda Item:	10

Home Office Review of Police and Crime Commissioners

1. Purpose of the Report

1.1 To inform members of the Nottinghamshire Police and Crime Panel of progress in relation to the Home Office's Review of Police and Crime Commissioners (PCCs).

2. Recommendations

2.1 It is recommended that Panel members note and consider the contents of this report and ask any queries in relation to the Review that can be reasonably be answered by the Office of Police and Crime Commissioner for Nottinghamshire (OPCCN).

3. Reasons for Recommendations

3.1 This report is for information only at this stage, but the review, once concluded, is likely to have substantial implications in respect of the statutory duties and powers invested into the PCC model, and will therefore be of particular interest to members of the Police and Crime Panel.

3.2 The Home Office Review of PCCs was initiated in July 2020. The Home Secretary stated a commitment to reviewing the PCC model to strengthen and expand the role of PCCs. Crime and Policing Minister, Kit Malthouse, stated: "After eight years it is right to step back and consider how we can evolve the PCC model", adding it was "important that PCCs are strong, visible leaders in the fight against crime and have the legitimacy and tools to hold their police forces to account effectively".

3.3 The Review has been structured as a two-part exercise. Part one was conducted from summer to autumn 2022, and high-level findings were announced in March 2021. Part two commenced in July 2021. The review has included consideration of measures to:

- raise the profile of PCCs
- give the public better access to information about the performance of their PCC

- share best practice so that PCCs are delivering consistently across the country
- review the relationship between PCCs and Chief Constables

3.4 The Senior Responsible Owner for the Review is the Home Office Director of Policing. The Review Team will comprise of civil servants from within the Home Office. The Review Team will gather evidence through direct interviews, engagement with representative bodies and local/national victims' groups, and public polling/surveys.

3.5 The Home Secretary will consider the Review's final report before taking recommendations to the National Policing Board. Neither Part one nor Part two of the review will consider a wholly new governance model for policing or examine the 43 police force model.

Part one PCC Review

3.6 Part one of the review focussed on the changes required to raise standards and improve accountability. It considered ways to strengthen the accountability of fire and rescue services in line with the Government's long-term ambitions on fire governance reform. It specifically examined:

- Accountability and legitimacy; through improving access to information, standards and profile of PCCs;
- Resilience; considering situations where a PCC cannot undertake their duties and the role of Deputy PCCs;
- Scrutiny mechanisms; examining the existing model to drive up standards, to identify and share best practice across the scrutiny body sector;
- The effectiveness of the relationship between PCCs and Chief Constables and the checks and balances currently in place; and,
- The mayoral PCC model, with the longer-term ambition to increase the number of mayors with PCC functions in mind.

3.7 An Advisory Group was convened to support Part-one of the review, made up of senior external stakeholders with expertise in the policing and fire sectors. The Review Team has engaged with the Advisory Group throughout the review. A broader call for evidence was carried out, with representative bodies such as the Association of Police and Crime Commissioners (APCC), Association of Police and Crime Commissioner Chief Executives (APACE), National Police Chief's Council (NPCC), Local Government Association (LGA), Her Majesty's Inspectorate of Constabulary, Fire and Rescue Services (HMICFRS). The Home Office and PCCs met to discuss key themes and issues that needed to be addressed.

Part one review recommendations

3.8 The Review concludes more needs to be done to explain the role of PCCs to the public and make performance on crime more transparent, enhancing PCC's accountability. A series of recommendations were made in relation to the themes and issues identified. The Home Office stated it would bring forward a range of measures to:

- strengthen PCC accountability;
- improve their transparency to the public;
- clarify the relationship between PCCs and Chief Constables;
- bring more consistency to the PCC role;
- raise professional standards; and,
- improve the checks and balances currently in place.

These are expanded upon in the paragraphs below.

Transparency and Accountability

3.9 Specified Information Order - The Home Office has amended the Specified Information Order (SIO) to include a requirement for PCCs to publish on their website a narrative assessment of how well their force is performing in relation to

- the Government's police outcomes framework;
- HMICFRS PEEL inspections of their force area.

3.10 First past the post - the Review stated that the Government would make changes to the PCC voting system to introduce 'first past the post'. This will require legislative change, which is expected to be introduced and to take effect before May 2024 PCC elections.

Resilience and the Role of Deputy PCCs

3.11 What works and good practice sharing - the Review concluded more should be done to ensure all PCCs adopt best practice and said that there is now a need to improve the resilience of the Office of the PCC. The Review recommended the APCC works with the College of Policing to build on the policing Knowledge Hub to develop a 'what works' compendium for PCCs. The Review also recommended that the Home Office and APCC jointly develop a comprehensive set of non-statutory guidance on the core elements of the PCC role. In conjunction, the APCC were advised to deliver a formal programme of induction for new and returning PCCs post May 2021 elections.

3.12 Deputy PCCs - To enhance resilience and capacity of PCCs, given the intention to expand the role into fire, the Home Office is considering bringing forward legislation to mandate that each PCC must appoint a Deputy (of the same political party where the PCC represents a political party). In the interim, the Home Office will issue guidance to PCCs' offices requesting that a formal succession plan is put into place to deal with vacancy and incapacitation, involving the Police and

Crime Panel in discussions as necessary. This will not apply to mayors with PCC functions, where legislation already mandates that a Deputy Mayor must be in place.

Scrutiny and the role of Police and Crime Panels

- 3.13 The Home Office plans to work with the LGA to develop a good governance training package for Police and Crime Panels.

PCCs and Chief Constables

- 3.14 The review concluded further steps needed to be taken to sharpen local accountability and ensure the framework guiding PCCs' relationship with Chief Constables is clarified. The review stated that it will work closely with PCCs, the Home Office, NPCC, and the Chief Police Officers Staff Association (CPOSA) in taking this forward.
- 3.15 Accountability Guidance - The Home Office will work with the College of Policing, APCC and NPCC to build on the accountability guidance already in place, including in relation to the performance management of Chief Constables, to help to promote and embed a positive relationship between Chief Constables.
- 3.16 Policing Protocol - the Home Office will consult on potential changes to the Policing Protocol Order 2011 to provide greater clarity on the boundaries of operational independence and reflect changes in the relationship between the parties to the Protocol which have taken place over time. The Protocol sets out how the policing governance relationships should work, including that of the Home Secretary, and clarifies the roles and responsibilities of PCCs, Chief Constables, and Police and Crime Panels.
- 3.17 Section 38 - the Home Office will legislate to amend Section 38 of the Police Reform and Social Responsibility Act 2011, to make the Chief Constable dismissal process more rigorous and transparent. PCCs will be required to give the Chief Constable written notice (including grounds), as the first stage of the dismissal process; allowing for the Chief to provide HMICFRS a response to those grounds; and introducing some form of time limit or review interval on a Chief Constable's suspension from office.
- 3.18 Mediation - The Home Office will work with the College of Policing, NPCC and APCC to develop a framework for the use of independent mediation in appropriate circumstances.
- 3.19 Senior Officer Recruitment - The Home Office will seek to address the HMICFRS recommendations included in its 'Leading Lights' (September 2019) report, looking into the role of the College of Policing in the senior recruitment process. They will work with stakeholders to address the issues raised through the review in relation to fixed term appointments.

The Mayoral / PCC Model

3.20 With regards to mayoral devolution, the Review concluded that the join-up of public safety functions under a combined authority mayor offers wider levers to prevent crime. The Government confirmed it would take steps to remove barriers to more mayors taking on these functions and will work with Department for Levelling Up, Housing and Communities to develop the forthcoming Devolution and Local Recovery White Paper with that longer-term trajectory in mind.

Fire Governance

3.21 The Government confirmed further reform of fire and rescue is required to respond to the recommendations from Phase One of the Grenfell Tower Inquiry, the Kerslake Review, and to build on the findings from Sir Thomas Winsor's State of Fire and Rescue Reports. The reform agenda will focus on three key areas: people; professionalism; and governance. Taken together, improvements in these areas will help deliver higher standards and greater consistency across fire and rescue services.

3.22 The Review findings have signalled strong support for a directly elected individual taking on fire functions to help simplify and strengthen the governance of fire and rescue services across England. The Home Office will be launching a consultative White Paper on fire reform in due course. The White Paper will be used to set out the Government's reform agenda in further detail and explore the Review proposals on fire governance which include:

- Consulting on whether to mandate the transfer of fire and rescue functions to the Police PFCC model across England where boundaries are coterminous unless there is an option to transfer fire governance directly to an elected Mayor;
- Consulting on how to address co-terminus challenges, including in the South West.
- Legislating to create operational independence for Chief Fire Officers and to clearly separate and delineate strategic and operational planning for fire and rescue; and,
- Considering options to clarify the legal entities within the PFCC model.

Part two PCC Review

3.23 Part two is focussed on longer term reform of role of PCCs, including consideration of the additional powers that they will need to 'fight crime' in their areas, and on the scrutiny of the PCC model. It will focus on the potential for wider efficiencies to be made within the system with a view to implementation ahead of the 2024 elections. The Home Office established a stakeholder advisory groups pertinent to the scope of Part two.

3.24 The following areas will be included within the scope of the tools and levers needed by PCCs to effectively fight crime:

- the role of PCCs in offender management aligned to existing operating models, working alongside the Ministry of Justice and the probation service;
- the role of PCCs in the partnership landscape and assess whether their current set of tools and levers are sufficient to drive and co-ordinate local activity to reduce crime, combat drugs misuse and tackle anti-social behaviour – the review will focus on Local Criminal Justice Boards, Community Safety Partnerships and Violence Reduction Units; and,
- the role of PCCs in securing and maintaining public confidence in policing and tackling crime and anti-social behaviour: the review will focus on activities and reporting that can address the public's priorities, help build mutual respect and greater understanding of the work that is conducted in the force area – on tackling anti-social behaviour, this will include the PCC role in implementing an effective community trigger process,

3.25 The following areas will be included within the scope of 'scrutiny on the PCC model':

- the police and crime panel model, specifically the benefits of independent members, identifying and securing the right skill sets and options to strengthen panel support;
- reviewing the existing mechanisms for investigating complaints and allegations against PCCs including examining the role of the IOPC in assessing criminal wrongdoings by PCCs and issues relating to vexatious and unfounded complaints;
- considering the merits and demerits of introducing recall for PCCs for very serious breaches of behaviour, including what might be a suitable trigger mechanism;
- the Home Office will examine how PCCs use data in holding chief constables to account for the efficient and effective delivery of policing services in their respective areas, including how data is fed into centrally-held databases and is utilised by the Home Office and relevant policing partners to reduce crime; and,
- the Home Office will also be bringing forward a consultation on affording PCCs greater power of competence and will examine the arguments as to whether it should be a general power or a functional power.

4. Summary of Key Points

4.1 Part one of the Home Office review of PCCS was focussed on raising standards and improving accountability. The following themes were included in scope:

- Accountability and legitimacy; through improving access to information, standards and profile of PCCs;
- Resilience; considering situations where a PCC cannot undertake their duties and the role of Deputy PCCs;
- Scrutiny mechanisms; examining the existing model to drive up standards, to identify and share best practice across the scrutiny body sector;

- The effectiveness of the relationship between PCCs and Chief Constables and the checks and balances currently in place; and,
- The mayoral PCC model, with the longer-term ambition to increase the number of mayors with PCC functions in mind.

4.2 Part two of the PCC review is focussed on longer term reform of role of PCCs, including consideration of the additional powers that they will need to ‘fight crime’ in their areas, and on the scrutiny of the PCC model. It will focus on the potential for wider efficiencies to be made within the system with a view to implementation ahead of the 2024 elections. The primary areas in the scope of this part of the review are:

- Tools and levers that PCCs need, including their role in offender management, criminal justice, community safety and tackling serious violence;
- Scrutiny of PCCs, including the role of Police and Crime Panels, handling of complaints against PCCs, a potential recall system for PCCs, access to key data for PCCs to enable them to effectively hold CCs to account, and affording PCC a power of competence.

4.3 The Home Office PCC review team were due to present a report to the Home Secretary in November 2021, to enable the government to play for any legislative changes that would need to be made to embed recommendations from Parts 1 and 2. At the present time, the APCC and individual OPCCs have not received an update to indicate the whole review findings, and any associated recommended changes.

5. Financial Implications and Budget Provision

5.1 There are no immediate financial implications or need for budget provision arising from the contents of this report.

6. Human Resources Implications

6.1 There are no immediate human resource implications arising from the contents of this report.

7. Equality Implications

7.1 There are no immediate equality implications arising from the contents of this report. The PCC Review is owned by the Home Office, and they are obliged to conduct an equality impact assessment into any recommendations they make as a result of findings.

8. Risk Management

8.1 There are no immediate risk management issues arising from this report.

9. Policy Implications and links to the Police and Crime Plan Priorities

- 9.1 There are no immediate policy implications arising from this report, but it should be noted that the final review recommendations are likely to have a substantial effect on the policy, strategy and operating spheres of OPCCs. This is also likely to influence priorities and objectives within future Police and Crime Plans.

10. Changes in Legislation or other Legal Considerations

- 10.1 There are likely to be significant legislative changes in future, which may impact on the operating spheres of PCCs, Chief Constables and Police and Crime Panels.

11. Details of outcome of consultation

- 11.1 Not applicable.

12. Appendices

- 12.1 None included.

13. Background Papers (relevant for Police and Crime Panel Only)

- 13.1 None included.

For any enquiries about this report, please contact:

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