

Good practice for police and crime panels

Guidance document

Acknowledgements

The Local Government Association (LGA) is grateful to all those panel members and others from councils, police and crime panels (PCPs), offices of police and crime commissioners (OPCC) and others who participated in interviews, provided information for case studies and made suggestions for issues to be covered in this guide.

Their contribution has helped to ground the discussions in the guide in the practical realities of running an effective police and crime panel.

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Foreword

Police and crime panels are an essential part of new accountability structures for policing and community safety. Over the past two years, panels have developed local approaches to accountability that ensure police and crime commissioners are effectively and proportionately held to account for their responsibilities. Police accountability is not a new role for councils and councillors, having played a leading role in police authorities between 1964 and 2012.

Councils have embraced this change in a period of austerity and limited resources. This document shares information on the good practice police and crime panels have developed in holding police and crime commissioners to account. This new accountability landscape has occasionally presented unexpected challenges; for example, there have been some high-profile implementation and ethical concerns that have put police and crime panels to the test. The lessons learned from these events have demonstrated the resilience of panels and form part of the good practice to be found in this document.

However, police and crime panels now undertake a substantially different accountability role from the police authorities they replaced. As directly elected individuals, police and crime commissioners are ultimately held to account by local residents at the end of their four year term. Panels have an important ongoing scrutiny role to ensure that the electorate can make a fair and balanced judgement on the performance of the police and crime commissioner. This is a new political relationship with many different experiences throughout the country. Some areas have readily embraced the new relationship, learning new ways to continually evaluate and improve the performance of local police forces, identifying opportunities for joined-up working. Others have found the change more challenging, struggling to find the right balance between independent leadership and local accountability. However, finding a way to build a healthy, effective and challenging relationship is essential for local communities who rely on fair accountability for excellent police services.

It is hoped that this document will provide guidance on how local areas can best develop accountability approaches and procedures on behalf of their local communities. Together, police and crime panels and police and crime commissioners can ensure that continuous improvement is the foundation of local accountability, from which all can benefit.



Councillor Ann Lucas OBE

Chair, Safer and Stronger Communities Board

Introduction

Over the past two years, police and crime panels have demonstrated their ability to hold police and crime commissioners (PCCs) to account within their given powers and have maintained a fair and transparent approach to accountability throughout some very high-profile and public issues. Although the police and crime panel accountability model is largely based on parliamentary select committees, they are not entirely similar as they do not have any punitive powers to hold a police and crime commissioner to account. Panels must instead focus on effective public scrutiny of the impact PCCs are having on policing, maintaining safety, resilience and protecting vulnerable communities. The most effective panels will have also developed local public scrutiny models that are accessible and hold the police and crime commissioner to account for their wider community safety and local resilience responsibilities.

As such, this document will share good practice on:

- delivering effective scrutiny
- positively influencing the performance of police and crime commissioners and subsequently, their local police forces
- building good working relationships between PCCs and the office of the police and crime commissioner (OPCCs)
- complaint-handling and responding to high-profile complaints or issues.

This document is not intended to be a definitive guide, rather it will look at a number of issues that have been significant for panels so far and share some best practice examples on how they have been tackled. It will also build on the guidance¹ that has previously been issued to panels by the Centre for Public Scrutiny (CfPS) and the LGA in 2011 and 2012. In looking at what constitutes good practice, emphasis has been placed on what has worked well in some areas and how certain issues can be anticipated and planned for, to cut down on the amount of work needed for panels to respond.

¹ www.cfps.org.uk/domains/cfps.org.uk/local/media/downloads/Police_Report_CfPS_web.pdf
www.local.gov.uk/c/document_library/get_file?uuid=8f16dd65-7fde-4792-8578-fa955263931e&groupId=10180

Roles and responsibilities

The new single leadership model for policing, held by police and crime commissioners, is ultimately accountable to the electorate. However, ongoing scrutiny over performance and PCC conduct is led by police and crime panels. Police and crime panels are bodies made up of locally elected councillors and independent lay members (members of the public). Panels are representative of their local communities with councillors from two-tier authorities sitting as full members of police and crime panels. The intention of Government was that these panels would provide a light-touch scrutiny function in holding the new role of the police and crime commissioner to account. Additional responsibilities were also prescribed as the legislation went through Parliament, including a requirement to “support” the work of the police and crime commissioner.² The Act notes: “The functions of the police and crime panel for a police area must be exercised with a view to supporting the effective exercise of the functions of the police and crime commissioner for that police area”. This additional legislative duty ensures that panels are not required to critically evaluate the decision making of PCCs but must provide challenge and assurance, on behalf of their communities, that local policing and community priorities will be met.

Holding to account – providing challenge and gaining assurance

Panels must assure themselves of the fair, effective and efficient deployment of police resources and that police and crime commissioners are committed to delivering the priorities laid out in their police and crime plans. Panels do not have the power to directly intervene in a planned activity or decision of the PCC, nor is it within their remit to hold the chief constable to account. Panels must use police performance statistics or qualitative feedback from service users as evidence to challenge, inquire and hold the PCC to account. Questions are put to PCCs at public panel meetings on their progress

and achievements against the priorities of the police and crime plan. Panels can also publicly record any concerns they have and can revisit an issue or concern again.

Police and crime panel resources

Building and developing local government capacity to support panels can be a significant challenge. One of the reasons for this is adequate government funding. Panel members raise this as one of their main concerns about their ability to be effective. Panels have questioned whether their funding allocation is sufficient to carry out their accountability and scrutiny duties effectively. The process of holding police and crime commissioners to account must be undertaken in a professional and transparent way and will often require supporting expertise from a number of professionals including legal, human resources, financial and community safety.

“We rely heavily on the work of the County Council officers to support the panel – we have the Monitoring Officer and Head of Legal that we can turn to as well as a brilliant Committee Administrator”

The level of support and resource made available to panels can be particularly problematic when a serious incident or issue arises. One lead officer said: “in a crisis, the panel becomes a full-time organisation”, which needs considerable member time and officer resources. For example, the Lincolnshire Police and Crime Panel agreed to fully examine the events regarding the suspension of the Temporary Chief Constable by the Police and Crime Commissioner. The Panel felt that there was no evidence that the decision to suspend during an ongoing investigation met the criteria laid out in the Police Regulations and therefore required further investigation. The Panel established a working group to further understand the particular course of action taken by the Police and Crime Commissioner. This work required

² s28(2), Police Reform and Social Responsibility Act 2011

significant officer support and involved interviewing 55 people and preparing a detailed report.³

Dedicated and experienced scrutiny officers can measurably enhance the work and outcomes of a panel. According to the CfPS⁴, for effective scrutiny and accountability of elected positions, dedicated scrutiny officers can significantly enhance the smooth running of the scrutiny function, especially when a difficult situation arises. Yet, as a result of ongoing financial pressures driving public sector reform the number of dedicated officers for scrutiny matters within local government has fallen.⁵ This may prove to have a significant impact on policing accountability.

Panels should also look to their local Community Safety Partnership as a source of information. Community safety partnerships (CSPs) are made up of representatives from the 'responsible authorities', which are the: police, local authority, fire and rescue authorities, national probation service and community rehabilitation companies (CRC) and Clinical Commissioning Groups⁶. Every Community Safety Partnership will have evidence of their local community safety needs and a community safety strategy and plan. They will also be able to provide analysis and an assessment of the impact of police and crime commissioner policies.

Confirmation hearings

A principal role for the panels is to conduct confirmation appointment hearings for some senior staff including the chief constable. The pool of potential chief constables is small but the appointments' process benefits from a degree of external oversight. The feedback from panels' experience is that having some involvement with the appointment process, such as a panel member acting as an observer, reassures the panel that a fair and transparent process had been conducted.

Some panels have received reports from the independent members PCCs are required to appoint as part of the process. The independent members' role is to ensure the selection and appointment process for chief constables is conducted openly and fairly. Consideration of their reports as part of the information provided for the confirmation hearing has provided panels with the assurance the candidate before them has been appointed on merit. More detail on the role of panels can be found in the LGA/Centre for Public Scrutiny Guidance on Confirmation Hearings.⁷

3 Lincolnshire Police and Crime Panel, Task Group Scrutiny Report, www.e-lindsey.gov.uk/CHttpHandler.ashx?id=1083&p=0

4 www.cfps.org.uk/publications?item=7190&offset=25

5 LGA and Centre for Public Scrutiny (2012) Police and crime panels: Guidance on confirmation hearings – www.cfps.org.uk/publications?item=7190&offset=25

6 Section 6 of the Crime and Disorder Act 1998 required the relevant responsible authorities (commonly referred to collectively as a Community Safety Partnership (CSP) in a local government area to work together in formulating and implementing strategies to tackle local crime and disorder in the area

7 Ibid

Police and crime panel scrutiny

To make best use of the powers awarded to police and crime panels, members should become experts in local government scrutiny. Many panel members will already have a grounded understanding and experience of scrutiny through processes such as local government overview and scrutiny committees or consumer champion organisations. Most council's will also have written guidance on scrutiny for councillors. Scrutiny can best be described as the critical observation or examination of a function, process or area of knowledge. There is no one way to do scrutiny and it is one of the most creative areas of work for a police and crime panel. Panels should work together and with their police and crime commissioner, to develop a suitable local scrutiny approach. There are many tools and approaches for effective scrutiny.

A couple of examples include:

- in Durham, to widen the contribution of scrutiny over the PCC's Police and Crime Plan, the Police and crime panel reports on progress to local overview and scrutiny committees
- in London, the Deputy Mayor for Policing receives 100-150 questions a month from the Police and Crime Committee, which are formally answered in writing.

Transparent scrutiny

Transparency plays a key role in panels' approach to scrutiny. Panels are public committees and are required to publish their agendas and minutes. It will be through these documents that the public will be able to evaluate the performance of the PCC and provides evidence of ongoing council support and challenge to local policing and community safety. Increasing numbers of local authorities are using webcasting to connect their meetings with the public and South Yorkshire, Cheshire, Sussex, Leicestershire, Surrey, Warwickshire and Staffordshire routinely webcast their meetings.

South Yorkshire webcast a full 'lessons learned' Police and crime panel meeting after the election of the new PCC in November 2014 and the Merseyside Panel publishes all correspondence with the PCC on their website.

Adjusting scrutiny approaches for local 'best fit'

Some panels have benefited from developing a 'best fit' approach to scrutiny. Establishing a police and crime panel that 'best fits' the local area is an effective way to meet the needs of individual panels and PCCs. Clear terms of reference for a police and crime panel can help to make this approach successful. Terms of reference for a police and crime panel should be drawn up to reflect the full role of a PCC – including their responsibility to victims, their duty to ensure collaboration and their responsibility for securing efficient and effective policing for the force area. The terms of reference will therefore clearly set out the scope for what a PCC will be held to account for. For those areas that have a clear local definition of the role of the panel and PCC, there have been notable improvements in the ability of the panel to hold a PCC to account and cooperation from the PCC. Alternatively, panels may wish to review the style of their panel meeting. In one example, a panel which initially had a difficult relationship with their police and crime commissioner, has moved from a very formal committee structure to running the panel as a 'solution focused' conversation.

“This approach helps us to find solutions rather than end in confrontation”

Panel Chair

The most successful and established panels have taken time to consider and plan the work of the panel. A good programme of work, with a forward plan for any public reports, cuts down on 'surprises'; unexpected decisions or issues that a panel may be required to respond to.

To prevent, as far as possible, any unexpected issues or decisions occurring, the relevant officers in Gwent have taken time to build good working relationships. The Office of the Police and Crime Commissioner and officers at Gwent Council meet on a regular basis to discuss the forthcoming work and any unexpected or new work or decisions that have taken place. The panel has also invited the PCC, and other partners, to a Panel development day focused on improving the local scrutiny approaches. This helped both the relationship building and priority setting for the scrutiny agenda. This approach has been particularly effective in establishing and communicating the diverse and important role of police and crime panels.

Forward plans

There is a general view that where the PCC has forward plans in place, they have been very helpful in supporting panels to plan their scrutiny work over a similar period.

The Greater Manchester Office of the Police and Crime Commissioner writes an annual forward plan⁸ which sets out the key decisions due to be made by the Police and Crime Commissioner, and decisions to be made by chief officers. Those chief officers are the Chief Executive, Chief Finance Officer and/or Chief Constable. The forward plan is updated on a regular basis and details information that will be reported to the Police and Crime Commissioner, which may not require a decision, but that the Commissioner or Chief Officer considers important. Greater Manchester defines a key decision as one which will have a significant/ongoing impact on communities in Greater Manchester, and/or is financially significant, in terms of spending or savings for the service or function concerned. A forward plan gives the public, and police and crime panels, the opportunity to know what decisions are to be taken, and what information is to be reported.

⁸ <https://meetings.gmpcc.org.uk/mgGeneric.aspx?MD=ForwardPlan&bcr=1>

Development of effective scrutiny techniques for police and crime panels

The London Borough of Merton's Overview and Scrutiny Handbook (2011) quotes the role of overview and scrutiny as "potentially, the most exciting and powerful element of the entire local government modernisation process. It places [elected] members at the heart of policy-making and at the heart of the way in which councils respond to the demands of modernisation".

Since 2012, police and crime panels have been developing their own approach to scrutiny based on new relationships with police and crime commissioners. Most panels began developing their approach to scrutiny by reviewing the PCC's police and crime plan. Panels have a statutory duty to review and comment on the police and crime plan and annual reports⁹ and as such should have some idea on how they will approach scrutiny over the following year.

The police and crime plan must include:

- the PCC's police and crime objectives
- the policing the chief constable is to provide
- the financial and other resources the PCC will make available to the chief constable to provide policing
- how the chief constable will report to the PCC about policing
- how the chief constable's performance will be measured
- information about any crime and disorder reduction grants to be made by the PCC, and any conditions made.

A police and crime plan can last for a PCC's whole term in office but most PCCs are refreshing and reviewing plans on an annual basis. Panels may want to ask if this has been done in their areas and understand what the local thinking is if plans are not refreshed.

⁹ s28(3), Police Reform and Social Responsibility Act 2011

In North Yorkshire, the panel met and considered the Commissioner's refreshed plan in 2014. They supported the plan but asked for and agreed some changes and commented on areas that they liked or felt needed to be reconsidered. They published this report on their website in line with their transparent approach to scrutiny.¹⁰

Panels are also best placed to ensure the police and crime commissioner is making all the relevant links and taking note of other strategic plans across the force area. For example:

- reviewing the police and crime plan and annual report for links to existing local authority plans and priorities
- ensuring that the PCC has clear policies to deal with emergency situations, such as adverse weather problems as well as civil unrest or terrorist incidents, by testing the partnership arrangements.

In Greater Manchester, the Panel comprises the leaders of all the Greater Manchester councils. This is supported by a bi-monthly meeting of all the community safety leads for the councils, the Police and Crime Steering Group and an officer group. The work agenda is set by the steering group and includes not only the PCC's issues but district issues such as licensing, alcohol and others.

Best practice approach to reviewing a police and crime plan

Police and crime plans are the best strategic documents from which a panel should begin to forward plan their work. Below are six suggested approaches:

1. Check that there is at least one measure of success identified for each priority identified in a police and crime plan. Panels may wish to review current performance against each of the success measures and look to other information sources to understand the prevalence of an issue. A good example is the Northumbria Policing Plan where specific

measures for success have been attributed to each objective within the plan.

2. Agree how the PCC will be held to account for delivery of the objectives outlined in their Police and Crime Plan. For example, panels may wish to focus on one or two priorities over a year, gathering further information and evidence to inform a series of questions put to the PCC. Where capacity exists, panels may wish to consider commissioning the work to a sub-group of the panel or officers from a nominated authority. Panels will need to conclude whether the PCC is meeting their objectives in the plan or not. In Cleveland, reports from the PCC to the Panel include information on:

- the priorities of the police and crime plan and how they relate to the work of the Police
- the public engagement and scrutiny undertaken by the PCC
- progress to date on the PCC's objectives
- This means that the Panel has an agreed report structure on which to base their scrutiny plans.¹¹

3. Ask questions about the PCC's approach to holding the chief constable to account, for example, how does the PCC ensure that the chief constable is following the priorities outlined in the police and crime plan?
4. Findings from the South Yorkshire 'lessons learned' session determined that panel members should expect to see evidence for why the PCC has chosen particular areas as priorities. Panels can receive information on:
 - how the PCC has engaged with the public on a particular issue

¹⁰ www.nypartnerships.org.uk/CHttpHandler.ashx?id=29668&p=0

¹¹ www.cleveland.pcc.police.uk

- the leadership role and actions taken by a PCC to drive both the chief constable and broader criminal justice partners to deliver improvements
 - the measures put in place to monitor outcomes against the police and crime plan's priorities.
5. Ensure the police and crime plan notes and commits to considering other local strategic assessments including; strategic assessments of community safety partnerships, joint strategic needs assessments (JSNAs) and children and young people's needs assessments. The panel may wish to review the information set out in these documents as a discussion of how the police and crime plan is contributing to meeting other needs set out within a local area.
 6. Discuss with the PCC how the police and crime plan contributes to the prevention and early intervention of crime. For example, the panel may wish to discuss any opportunities to invest in the prevention of domestic violence or road traffic accidents.

Undertaking strategic assurance questions

It is important that any series of questions put to the police and crime commissioner are not seen as negative, but rather as essential to the smooth functioning of a resilient scrutiny process. The panel can, and must, ask searching questions, and dig deep into information and data supplied by both the PCC and the chief constable. They will have a role in making sure that targets are achieved – and if targets are altered or removed, panels should seek and review the reasons for this. They should also make sure that where there are specific issues such as child sexual exploitation, national action plans are followed, local action plans are developed and that the PCC has oversight that is shared with the police and crime panel.

Example community safety issue:

Panel chairs have asked how they can scrutinise the PCC's performance where no local performance targets are set. Asking a series of focused and seeking questions can

enable panels to better understand the context of a local issue. Below is an example of a local community safety issue and a number of approaches that a panel could employ, in the absence of performance targets, to find out how a problem is being resolved.

Example

A local newspaper has published negative stories about the police no longer attending burglaries or car thefts. This is an operational decision by the chief constable as a result of financial pressures. There are no targets set to monitor police performance against these offences to measure the impact of this decision. As a result of this publicity, people in this district are worried about their safety and it is damaging inward investment and the economic stability of the area. The issue has also been raised at a local community safety meeting. Historically, the constabulary has been criticised by HMIC for their poor performance, but has recently responded saying that the issues are in the past and performance is improving. The PCC has said that it is operational, and is scrutinising the issues and is assured by the police response.

Suggested approaches to scrutiny:

1. Clarify how the commissioner holds the chief constable to account for performance on serious acquisitive crime.
2. Request information and data on this issue; for example, ask what data is held on serious acquisitive crime? How often is this data reviewed? What happens after the data has been reviewed?
3. Ask what resources are allocated to respond to this issue.
4. Commission a survey or focus groups to better understand public opinion, including victims or victims' services on this issue.
5. Ask for attendance of relevant officers at the police and crime panel meeting; this could include the chief constable or policy and performance officers to contribute more information.

6. Compare with how other police forces deal with this problem; consider the similarities and differences between them.
7. Write a scrutiny review on the issue; this review would be available to the public and media.
8. Give a response to the commissioner on the panel's assessment of how well the issue is being addressed – this could include referring to what is working well and which areas need to improve and offer recommendations.
9. Inform the commissioner when the panel is not satisfied with their response and repeat the scrutiny and questioning. This may be scheduled for another meeting in the future.

The art of negotiation – influencing community safety performance

Relationships between the panel and the PCC

Good working relationships are essential between a panel, PCC and their office. A good working relationship is one that is strong and embraces the healthy challenge that inevitably comes with positions of scrutiny and accountability. The ability to negotiate and influence are important skills to further develop and establish these relationships on a firm foundation. It is through discussion, influence and negotiation that transparent accountability will be accomplished. Where panels and PCCs commented particularly on the strength of their working relationship, they noted the commitment and effort that local council officers have put into developing and maintaining these relationships. This includes regular discussions between panels, PCCs and their offices on each organisation's priorities and points of pressure, negotiating priority areas for scrutiny and agreeing suitable local approaches that will meet both their statutory responsibilities and the needs and expectations of local communities.

Supporting continuous improvement

If there are issues or concerns about a police force's ability to improve or to accept and act on improvement recommendations put forward by a panel, further questions may need to be directed towards the leadership of the police, including those concerning the role of the commissioner. These concerns should be raised – they may be about operational performance but this does not necessarily mean that they will fall into the definition of operational independence. Recent reports have been damning of elected members who failed to examine and challenge complacency or misplaced confidence about poor performance.¹²

¹² www.gov.uk/government/publications/report-of-inspection-of-rotherham-metropolitan-borough-council

Media protocols

Some panels are concerned that key information is shared with the press before a police and crime panel has had a chance to consider any implications for the panel, or their own organisations. Poor communication between PCCs, the OPCC and panels can have a negative effect on developing and establishing working relationships. To manage this concern, a number of panels have an agreed process with the OPCC for sharing public information that can include a press protocol. A media protocol can ensure that the chair of a police and crime panel is notified of any press releases, or news, which could have a significant impact on the reputation of the PCC, the force, or the broader criminal justice community.

Dyfed Powys Police and Crime Panel has drafted a media protocol¹³ with the Police and Crime Commissioner that outlines a series of practical steps and principles for communicating with the media. The protocol is set out to allow for differences of opinion to be expressed. It states that “working together through a coordinated approach will help manage the quality, consistency and reliability of information released to the media. This will benefit the public and will protect the reputation of each organisation.” This is a clear and joined-up approach that seeks to maintain positive working relations through open and timely communication.

A media protocol might look to cover:

- who the PCC can contact in an emergency to notify them of issues
- what is agreed in a local area that needs to be fed back to key stakeholders, including local authorities and to the panel
- what the PCC’s media and campaign plan is – this could be a scrutiny item
- notification of any joint press and PR to be undertaken by the PCC and chief constable

- all media and press releases to be copied to the chair of the police and crime panel and supporting officers
- agreed principle of ‘no surprises’.

Scrutiny of commissioned services

Panels have¹⁴ a very broad power to review or scrutinise both decisions made by a commissioner or any other taken by the commissioner in discharge of their functions. This puts anything that the commissioner does within the scope of the panel. The panel should be looking at all of the areas where the commissioner may be planning to develop policy and also new areas of delivery.

An example of new service delivery will arise in respect of services for victims. All commissioners took over responsibility for victims’ services from April 2015. Panels could consider:

- asking for and reviewing data about victim numbers
- identifying whether there are categories of victims who do not report to the police
- identifying issues such as hate crime and calling for information from victims
- taking evidence from victims about their experiences
- preparing and publicising a scrutiny report on victims’ services commissioning arrangements and making it available to the PCC, and other relevant bodies
- asking the PCC to prepare an action plan to tackle any concerns
- setting a timetable for reviewing any issues.

One of the key scrutiny outcomes here would be to further develop issues across the community safety, criminal justice and wider public sector arenas. Reports and recommendations about an issue scrutinised must be sent to all local authorities within the police area.¹⁵ Panels themselves can decide the form of such a report and how they will present it, which gives them

13 www.dyfed-powys.pcc.police.uk/Document-Library/Priorities-and-Policies/Policies/Media-Protocol.pdf

14 s6, Police Reform and Social Responsibility Act 2011

15 s28, Police Reform and Social Responsibility Act 2011

scope for considering a variety of reporting mechanisms, including social media.

Collaboration

Scrutiny of joint or collaborated projects is an underdeveloped area at present. As a rule, panels do not have formal arrangements for scrutinising joint activity. In the first instance, panels can look at the arrangements which commissioners may have for joint scrutiny of shared or collaborated projects. The North West Joint Committee comprises all regional North West commissioners: Cumbria, Cheshire, Greater Manchester, Merseyside, Lancashire and North Wales. They have clear terms of reference, a general agreement signed by all commissioners and chief constables in the region, and agendas and meeting papers which are available electronically. Panels could routinely request sight of these papers. Again, the scrutiny here would not be of police performance, but of the commissioner's effectiveness and how well they use resources, including those within the police budget, to achieve the best outcomes possible.

Panel chairs in Warwickshire and West Mercia plan to meet to discuss how their panels could scrutinise the joint working carried out by the two PCCs. The PCC for Nottinghamshire is looking at how joint working in the East Midlands can be reported back to different panels, including common reports from collaborations to panels, for them to see the level of work being undertaken.

Areas of common interest

One way of developing effective scrutiny is to identify areas where the panel and the PCC have a common interest or common objectives to ensure that they can develop a shared agenda. There are a couple of examples from Greater Manchester which show how this relationship has developed. A working group on commissioning of victims' services has been established by the Commissioner, which is attended by Oldham and Stockport Community Safety Partnerships' representatives, who volunteered as a result of a request made through the Police and Crime Leads meeting.

Effective cross-boundary working between the PCC and panel involves both working within their responsible areas to support effective delivery of each other's priorities. An extract from a recent Panel report says that the Panel is asked to:

“Agree that their organisations will contribute to the development of a partnership implementation plan which will complement existing delivery plans in achieving the six objectives of the police and crime plan. Agree to revisit their crime and disorder delivery plans where appropriate to ensure that they align and feed into the delivery of the overarching police and crime plan.”

In this case the councils concerned not only send representatives to scrutinise the PCC, but the PCC, police and other services also have a role to play in service delivery. The links between the police and crime plan and broader community safety plans enables the parties to identify gaps in planning and provision and to take steps to fill them. This allows everyone to focus on achieving the best outcomes for local people.

Complaint-handling

There is significant variation in the number of complaints panels receive against their local police and crime commissioner. Panels seem to either receive a large number of complaints relating to a significant or high-profile issue, or very few at all. Complaints received by panels are often the result of poor handling of that complaint when initially made to the police. The panel complaints process often facilitates an opportunity for an aggrieved complainant to continue to pursue a resolution when all other avenues are exhausted. This has led some panels to introduce vexatious complaints policies.

Hampshire Police and Crime Panel has a protocol for the informal resolution of complaints, a clear flowchart for complaints and a procedure for dealing with vexatious complaints on their website.¹⁶

PCC complaints operate within a very narrow statutory framework. The regulations are set out in the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012. Complaints against the PCC are within the remit of the panel. There are requirements to notify the Independent Police Complaints Commission in certain circumstances and for them to carry out investigations. Guidance on this was initially published by the Government in 2012.¹⁷ This guidance was published before the final regulations in respect of complaints were laid and is not fully comprehensive. The regulations permit the panel to delegate complaints-handling to the monitoring officer for the PCC or to one of the monitoring officers within the panel area.

Panels have a range of models to deliver complaints-handling. A number of panels have said that they have a model where the PCC's office acts as a triage for the complaints, identifies what should be recorded and passes these recommendations to the panel. This is carried out by the PCC's

chief executive as monitoring officer and will not involve the PCC. This can work well; it means that complaints which are really about police performance and not the policies or conduct of the PCC can be identified and highlighted.

Complaints against the police are for the chief constable to resolve but a number of panels have said that they receive information from the PCC about how complaints against the police are scrutinised by the PCC. This is a good measure of public satisfaction with police performance and the panel may want to review how the PCC is tackling numbers of complaints against the police. Following the high numbers of complaints upheld by the IPCC, the PCC for Northumbria introduced an internal triage system for complaints made about the police. This has changed the way that complaints are resolved and reduced the numbers of upheld complaints by over 30 per cent. In turn this information, as well as that about complaints about the PCC, is reported to the Northumbria panel for scrutiny.

In some cases all complaints about the PCC are reviewed by the chair of the panel. Chairs who do this have said that in this way they are certain that the panel is sighted on any issues raised. The Sussex Panel's complaints monitoring report sets out clearly the headings under which complaints fall, and which can be considered by the panel and which cannot.¹⁸

Warwickshire, Bedfordshire, Kent and others have reviewed their complaints processes to make them more effective. The South Yorkshire Panel reviewed and amended their complaints process after dealing with high-profile complaints and a number of panels have also carried out reviews after they have used the process. Good practice for panels would be to consider the following:

- clearly setting out responsibility for all types of complaint
- reviewing whether a triage system would be useful

¹⁶ www3.hants.gov.uk/hampshire-pcp/pcc-complaints.htm

¹⁷ www.gov.uk/government/publications/the-new-system-for-handling-complaints-against-police-and-crime-commissioners

¹⁸ www2.westsussex.gov.uk/ds/cttee/pcp/pcp230115i9.pdf

- making sure that complainants understand that recording a complaint is not the same as upholding it
- considering whether it is appropriate for the chair of the panel to see all complaints
- many complaints against police officers to the IPCC are partly upheld through lack of recording although the substance later fails. This produces unsatisfactory outcomes – consider scrutinising the PCC's performance in tackling this
- having clear guidance for recording complaints
- developing clear communication to explain what is happening to members of the public
- rather than referring to the IPCC general casework team; referrals should be to a specialist link with experience of PCC complaints
- having a process to take back and conclude complaints when received back from the IPCC.

High-profile complaints are notoriously difficult to manage. A number of panels have had to respond to high public profile complaints against a PCC. In response to these incidents many panels have developed their complaints procedures. Lincolnshire produced a flowchart to communicate the details of the process more widely and entered into a memorandum of understanding (MOU) between the panel and PCC to reinforce roles and responsibilities.

Working with the Independent Police Complaints Commission (IPCC)

Police and crime panels do not have the power to fully investigate complaints against a PCC. A panel must refer a complaint to the Independent Police Complaints Commission (IPCC) if it is deemed serious (where a complaint regards PCC conduct which constitutes or involves, or appears to constitute or involve, the commission of a criminal offence) or the IPCC requires it to be referred.¹⁹

The IPCC has published statutory guidance on this but it does not address the issue of timeliness.²⁰ There is much concern amongst panel members regarding the length of time it takes to resolve a complaint when it is referred to the IPCC. Some complaints have now taken over a year and remain to be fully resolved. The relationship between panels and the IPCC needs to be clarified. Panels have indicated that they would find it helpful to have informal discussions with the IPCC to improve the response to complainants.

PCCs, panels and the media

A significant area of difficulty reported by panels is the relationship between the PCC and the media. Panel chairs have commented that in the rush to court media attention, PCCs can seem focused on reputation management. A number of panels have commented that over-exposure can damage the relationship between the police and the public and this is clearly a difficult balance to achieve. Many PCCs are active on social media – this is less common for panels who take the general view, supported by the small resources at their disposal, that they do not court an active media presence. This is a new situation and much can be done by agreeing protocols in advance. Panel chairs acknowledge that media protocols, when in place, can be very helpful.

¹⁹ The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012

²⁰ www.ipcc.gov.uk/sites/default/files/Documents/statutoryguidance/2013_statutory_guidance_english.PDF

Responding to a change of PCC mid-term

There have been two by-elections since 2012, one following the sad and sudden death of the incumbent PCC in the West Midlands and a high-profile resignation in South Yorkshire. With no comprehensive guidance on calling a by-election, both unexpected departures created practical issues that were difficult to deal with. In the West Midlands, the Chair of the Panel, Leader of Sandwell Council and supporting officers were faced with a crisis which turned their Police and Crime Panel roles into full-time ones.

Case study – West Midlands

There was significant external pressure from the press and public to prepare for a by-election. Two electors had notified the returning officer of the vacant position and as a result a by-election had to be held within 35 days of the returning officer being notified.²¹ The Panel also had to appoint an acting PCC. An acting PCC is required during the period before a by-election. This is because there are a number of powers held only by the PCC that cannot be delegated. Police and crime panels are responsible for appointing an acting PCC. Given this was the first by-election for a police and crime commissioner little was known about the appropriate process. Questions arose about the eligibility of the Deputy PCC to be appointed as the Acting PCC as their term of office had been linked to that of the PCC when first appointed. If the Deputy had not been eligible, one of the officers in the Office of the PCC would have had to be appointed to the role. Although a newly elected PCC took office within a few months, the intervening period had been a time of heightened emotion and confusion. Substantial work was required by the Panel to plan and prepare for the delivery of both 'business as usual' alongside by-election preparations. It is recommended that together panels and OPCCs develop a clearly agreed protocol for what needs to happen in the event of a by-election, including identifying

any difficult issues. Some lessons learned from this situation include:

- understand the panel's responsibilities, local policies and procedures for an unexpected mid-term election for the role of police and crime commissioner
- understand the panel's responsibilities for appointing an acting police and crime commissioner and who could be appointed to the role including whether any deputy PCC will be eligible
- maintain communication between the PCC's office, panel secretariat, the chief constable to allow for the smooth running of process and procedure
- invite the proposed or acting PCC to attend a police and crime panel to maintain transparency during a period of change, although it is not required
- keep the public informed of progress, changes and by-election timings through regular website updates and press releases.

Case study – South Yorkshire

In September 2014, the South Yorkshire Police and Crime Commissioner resigned from their role mid-term. This was as a result of the findings from the Jay report commissioned to review the issue of child sexual exploitation (CSE) in South Yorkshire. The report revealed significant community safety concerns regarding the prevalence and response to CSE and led to questions about the suitability of the PCC remaining in office. In response to the findings of the report, the Panel met to hold the PCC to account on 11 September. The Panel, led by the Chair, decisively called the Police and Crime Commissioner to a meeting that would focus on the issues highlighted within the Jay report. The panel concentrated on facilitating a discussion between the PCC, the Panel members and members of the public, as many concerns had arisen from the report. Panel members and the public were able to put direct questions to the PCC. The meeting had a very high public profile and was extensively covered by the local and national

²¹ s51, Police Reform and Social Responsibility Act 2011

media. The Chair had a critical role leading and managing an emotionally charged meeting, including managing expectations, ensuring fair and open questioning and maintaining public order. As a result of the public participation at the meeting, the PCC resigned as Police and Crime Commissioner shortly after the meeting. Some lessons learned from this situation include:

- the complaints process was used extensively by the public during this time, and effective processes need to be in place to manage a change in demand
- be clear on which discussions need to be held in public and how such meetings will be chaired and managed
- effective engagement and community leadership are critical at a time of heightened public interest
- check understanding of the powers of the panel, limitations and legal position in advance of a public meeting
- work closely with the police and crime commissioner, their officers and the chief constable to maintain good information-sharing practice.

Be prepared to accommodate other practical issues which may result from high-profile meetings; for example significant media attention, public protests and marches, and provide adequate security for the public and witnesses.



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