

Government Review of the role of Police and Crime Commissioners

Briefing note for PCCs and their Offices

The PCC Review: Background

The Home Office has today (16 March 2021) published the recommendations of phase one of the Government's Review of the role of PCCs in a Written Ministerial Statement. The WMS is [here](#) and the APCC's media response is [here](#).

The review of the PCC role was launched on 22 July 2020, following up on a Government manifesto commitment to strengthen PCCs' accountability and to expand their role.

Announcing the review, the Policing Minister said: *"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"*.

The review is being undertaken in two parts:

Part One has now been completed. It focused on immediate opportunities to strengthen the model, while also mapping longer-term ambitions for the PCC role. Areas of focus included:

- Transparency and Accountability;
- Resilience and the Role of Deputy PCCs;
- Scrutiny and the role of Police and Crime Panels;
- The relationship between PCCs and Chief Constables;
- The Mayoral / PCC Model;
- The PCC role in relation to fire governance; and
- Preparations for Part Two of the Review

Part Two will begin after the May 2021 elections. It will focus on longer term reforms, some of which may require legislation. The Government has said there will be a focus on the 'and crime' aspects of the PCC role in Part Two, such as reducing reoffending.

APCC engagement

The APCC submitted a detailed response to Part One of the Review following consultation with APCC members. A copy of this response is included as an attachment to GR 47/2021. Many PCCs also submitted their own individual responses.

In addition, the APCC helped to facilitate a series of regional / Wales engagement events with the Home Office officials for PCCs and OPCCs. Four P(F)CCs (Paddy Tipping, Roger Hirst, Martin Surl, and Katy Bourne) were members of the Home Office PCC Review Advisory Group which was set up to oversee and support the review.

PCC Review Part One: Findings and recommendations

The Review states that the Home Office will bring forward a range of measures which will:

- 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.

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.

Below is a summary of each of the Review's specific recommendations, alongside initial APCC actions / next steps. We will be working closely with PCCs, OPCCs, the Home Office, and wider partners in developing a more detailed action plan in response to the recommendations which we will share with PCCs shortly.

Transparency and Accountability

Review recommendations:

a. Specified Information Order

The Home Office will amend 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 (a) the Government's crime measures (we understand this is the new National Police Outcomes Framework - to be published shortly) and (b) HMICFRS PEEL inspections of their force area.

APCC next steps:

We will work closely with the Home Office on the SIO amendments, and with PCCs and OPCCs to support them in delivering against this recommendation. PCCs already publish information on their force's PEEL assessments. The requirement to publish against the National Police Outcomes Framework is new. We expect the Home Secretary to write to all PCCs and CCs shortly confirming the final version of the National Police Outcomes Framework (we have been consulted on earlier drafts). We will work with PCCs and OPCCs and with the Home Office to clarify what is required in terms of publication of data and will provide guidance to PCCs and their teams to support them in delivering against this.

b. First past the post

The Review states that the Government will make changes to the PCC voting system to introduce 'first past the post'. This will require legislative change and we expect it to be introduced for May 2024 elections.

Resilience and the Role of Deputy PCCs

Review recommendations:

a. 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 recommends 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 recommends 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 should deliver a formal programme of induction for new and returning PCCs post-elections in May 2021.

APCC next steps:

In line with our submission to the Review, the APCC is well placed to take a leading role in developing a 'what works' / good practice hub for PCCs and OPCCs. We will work with the College of Policing, the Home Office, and partners to strengthen and develop our good practice sharing function. We propose to recruit a dedicated resource to the team to help take this forward. We are also developing a comprehensive induction programme for new PCCs.

b. Deputy PCCs

To enhance resilience and capacity of PCCs, given the intention to expand the role into fire, the Home Office will bring 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.

APCC next steps:

The APCC will support PCCs in developing succession plans for the period 2021 - 2024, prior to legislation being introduced to mandate the appointment of deputies.

Scrutiny and the role of Police and Crime Panels

Review recommendations:

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

APCC next steps:

The Home Office have confirmed they will commission refreshed guidance for Police and Crime Panels. The APCC will work closely with PCCs / OPCCs, the Home Office, the LGA and panels to ensure the guidance captures and reflects the lessons learnt and best practice from the past 9 years.

PCCs and Chief Constables

The review concluded there are further steps that can be taken to sharpen local accountability and ensure the framework guiding PCCs' relationship with Chief Constables is clarified. The APCC will continue to play a key role in supporting and facilitating constructive relationships between PCCs and Chief Constables. The review states that it will work closely with PCCs, OPCCs, the Home Office, NPCC, and the Chief Police Officers Staff Association (CPOSA) in taking this forward.

Review recommendations:

a. 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.

APCC next steps:

Building on our existing 'PCC / CC Accountability Guidance' which APCC developed with NPCC, the College of Policing, and CPOSA, we will work with partners to refresh it to take into account learning from recent years ready to share with new PCCs and CCs.

b. 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.

APCC next steps:

We will support PCCs and OPCCs to proactively engage in the Policing Protocol review consultation process which will commence after the PCC elections. We understand that one of the key areas which the HO is keen to review is that of the operational independence of CCs.

c. 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 HMCIC a response to those grounds; and introducing some form of time limit or review interval on a Chief Constable's suspension from office.

APCC next steps:

We will work with the Home Office and NPCC to develop and agree clear and transparent processes in relation to Section 38, in a way that does not compromise the PCC's role under Section 38.

d. 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.

APCC next steps:

We will work closely with PCCs / OPCCs, the Home Office, NPCC, and CPOSA to develop and agree an independent mediation process for PCCs and CCs, building on best practice models.

e. 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.

APCC next steps:

We will work with the Home Office and College of Policing in relation to the senior officer recruitment process in a way that supports PCCs to achieve the best possible outcome in the recruitment of a new Chief Constable.

The Mayoral / PCC Model

Review recommendations:

With regard to mayoral devolution, the Review concluded that the join-up of public safety functions under a combined authority mayor has the potential to offer wider

levers to prevent crime. The Government has confirmed it will take steps to remove barriers to more mayors taking on these functions and will work with MHCLG to develop the forthcoming Devolution and Local Recovery White Paper with that longer-term trajectory in mind.

APCC next steps:

We will work closely with the Home Office and MHCLG to consider the proposals set out in the White Paper as soon as it is published. In line with our APCC Review submission proposal, we will ensure PCCs are proactively consulted on any proposed changes to policing governance and that learning and good practice drawn from the existing mayoral models (MOPAC, GMP, and work underway in West Yorkshire) is drawn from to ensure we protect the corporation sole and democratic legitimacy of the PCC within future mayoral models.

Fire Governance

Review recommendations:

The Government has confirmed further reform of fire and rescue is required in order 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 Report.

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.

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 later this year. The White Paper will be used to set out our 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 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 coterminosity 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.
- Considering options to clarify the legal entities within the PFCC model.

APCC next steps:

We will work with the Home Office, the NFCC, the LGA, and with fire and rescue service partners in responding to the recommendations. Our APCC submission to the Review supported mandation as a part of wider fire and rescue transformation. We will work closely with PCCs / PFCCs to make a comprehensive response to the White Paper, supporting PCCs to take on the governance of fire and rescue services once legislation is in place. We will build on the good practice and learning already in place from our existing PFCCs / Deputy Mayors with responsibility for fire and rescue services.

We understand that the Fire Minister Lord Greenhalgh will be writing out to PCCs shortly.

Preparing for Part two of the Review

Review Proposal:

Part Two of the Review will begin after the 2021 elections and will consider further ways to strengthen and expand efforts to help cut crime.

It will focus on longer-term reforms and the potential for wider efficiencies to be made, with a view to implementation ahead of the 2024 elections.

Terms of reference for Part Two of the Review will be published at a later stage.

Part Two of the Review will include the Home Office consulting on giving a General Power of Competence (as afforded to Local Authorities) to all PCCs, to help PCCs with the role they play in the wider crime and criminal justice landscape and will consider partnership arrangements more fully.

Part Two of the Review will also allow consider the role of the Independent Office of Police Complaints (IOPC) with respect to their handling of complaints made about the conduct of PCCs and their deputies.

APCC next steps:

We anticipate that part 2 of the review will also include an opportunity to develop the 'and crime' dimension of the PCC role – including reducing reoffending and prevention.

We will work closely with PCCs / OPCCs, and the Home Office to ensure we engage actively in the development of the terms of reference for Part Two and make a comprehensive submission once it is published.

APCC March 2021