

APAC²E Networks – Strategy and Performance

'Holding to Account' Toolkit

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1. Introduction

This toolkit has been developed by APAC²E (the Association of Police and Crime Commissioner Chief Executives).

APAC²E has developed a series of networks to facilitate the sharing of best practice and expertise. One of those networks is the Strategy and Performance Network, chaired by Michelle Buttery, Chief Executive of South Yorkshire. The Network and has representatives from about half of OPCCs. Any OPCC member is welcome to join the network, which also has a page on the Police Knowledge Hub.

The Strategy and Performance Network decided to develop guidance and toolkits around 3 topics:

- 'Holding to Account' Arrangements
- Police and Crime Plans and
- Performance Management Arrangements

This is the 'Holding to Account' Toolkit. Its aim is to act as a knowledge sharing and information point for those involved in OPCCs and assisting their PCC in holding others to account. The toolkit will be of most use to those working in roles of governance and assurance, including performance management. It is not a definitive guide and there may be other good practice amongst OPCCs.

Since PCCs were introduced in 2012, the role has needed time to develop and embed for all involved, including the public. 'Holding to account' arrangements in place today have developed organically, building on what was already in place following the demise of the former Police Authorities. However, the PCC's role is wider than that of the former Police Authority, and is set to grow. Further, partnerships and collaboration arrangements have made 'holding to account' far more complicated and challenging.

This Toolkit does not seek to prescribe a template for the ideal set of 'holding to account' arrangements. There is no right or wrong approach and this Toolkit definitely does not advocate "one size fits all". Rather, it seeks to provide a 'menu of options' - examples of arrangements that have emerged for consideration by PCCs and OPCCs. Each policing area will have arrangements unique to its PCC/CC relationship and its local context. Thus, after a PCC election (or a change of CC) in an area, OPCCs should be open to reviewing and amending their local 'holding to account' arrangements to ensure they are still fit for purpose.

For ease of writing this Toolkit, OPCCs and PCCs are the terms used throughout to refer to the Local Policing Body, despite it being acknowledged that, for London and Manchester, the Local Policing Body is the Mayor supported by the Mayor's office.

Please do get in contact with the network or one of the authors of this toolkit if you would like to know more, or to discuss the Toolkit.

We would like to thank all those OPCCs who responded to the survey on their 'holding to account' arrangements and those who provided examples of good practice.

We hope you find this Toolkit useful.

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July 2019

2. Holding Chief Constables to Account

The Legal Framework

The Police Reform and Social Responsibility Act 2011 (PRSRA) places a statutory duty and electoral mandate on the Local Policing Body - Police and Crime Commissioners (PCC) or Mayors in London and Manchester - to govern police forces in England & Wales – i.e. to hold Chief Constables (CCs) to account for policing services on behalf of the public.

The Policing Protocol 2011 details the PCC's legal responsibilities to:

- Scrutinise, support and challenge the overall performance of the Force including against the priorities agreed within the Police and Crime Plan
- Hold the CC to account for the performance of the Force's officers and staff
- Maintain an efficient and effective police force for the area
- Hold the CC to account for the exercise of the functions of the office of CC and the functions of the persons under the direction and control of the CC.

Specifically, section 8 of the PRSRA states:

The PCC must, in particular, hold the CC to account for—

- a) the exercise of the duty to have regard to the police and crime plan
- b) the exercise of the duty to have regard to the strategic policing requirement
- c) the exercise of the duty to have regard to codes of practice issued by Secretary of State
- d) the effectiveness and efficiency of the CC's arrangements for co-operating with other persons in the exercise of the CC's functions
- e) the effectiveness and efficiency of the CC's arrangements for engagement with local people
- f) the extent to which the CC has complied with value for money
- g) the exercise of duties relating to equality and diversity that are imposed on the CC by any enactment
- h) the exercise of duties in relation to the safeguarding of children and the promotion of child welfare that are imposed.

In addition, section 1(8)(ca) of the Police Reform Act 2002 (inserted by the Policing and Crime Act 2017) provides that the PCC must hold the CC to account for the exercise of the CC's functions in the handling of police complaints.

Finally, the Financial Management Code of Practice suggests that a PCC's Scheme of Governance provides an opportunity to set out how the PCC should hold the CC to account for the day-to-day management of police funds.

Definitions

There is no legal definition of 'holding to account', or statutory or other guidance on what 'holding to account' arrangements should look like. The Centre for Public Scrutiny advocates four principles for effective 'holding to account' arrangements:

- ***Provides a constructive “critical friend” challenge***
- ***Amplifies the voices and concerns of the public***
- ***Is led by independent people who take responsibility for their role***
- ***Drives improvement in public services***

For arrangements to be effective between a PCC and CC, a workable professional relationship between them needs to develop, so that the CC can look to the PCC for appropriate support, and the PCC can ask the CC for full co-operation and transparency in giving information.

Although the Policing Protocol 2011 seeks to define the distinct roles and responsibilities of PCCs and CCs, an important part of the relationship locally in each area is the PCC and CC agreeing where the line is drawn between the operational independence of the CC and the duty on the PCC to hold the CC to account for his actions.

Reviewing local arrangements for PCCs to hold CCs to account

Through a survey of OPCCs conducted in 2018, the most commonly cited positive aspect of arrangements was the relationship and communication between the PCC and CC, the open access to information and people.

Structure would appear to be a critical success factor:

- Regular reports
- Planned scrutiny programme
- Clear governance structure
- Robust questioning
- Action follow-up
- Discussions linked to Police and Crime Plan

Also cited as working well was the balance between formal and informal meetings, collective board type meetings and 1:1s between the PCC and CC. The transparency of the arrangements was another key success factor in good holding to account arrangements.

Menu of options

This list below gives some options as to the types of scrutiny options carried out by OPCCs. This list is not exhaustive, but summarises the types of options employed by the OPCCs who responded to the Holding to Account consultation in 2018.

1. Strategic performance accountability meetings
2. PCC : CC meetings

3. OPCC representation on Force / joint governance groups
4. Oversight / scrutiny / partnership panels
5. CC objective setting and review
6. Public meetings
7. Specific scrutiny forward work programmes
8. Other
 - a. Constitution
 - b. Local Criminal Justice Boards
 - c. Joint Audit Committees
 - d. Budget specific planning
 - e. Formal letters / request for response
 - f. Information requirement (specific reference to s.36 of PRSRA 2011)
 - g. Daily face-to-face interaction
 - h. Bespoke briefings

Accountability Meeting Structures

Most OPCCs hold a type of accountability meeting or board at which the PCC holds the Chief Constable to account. Some OPCCs webcast these and some hold them in private, or a combination of both. Some PCCs involve others in these boards. Examples of different types of approaches area shown in the case studies below.

Case Study: Sussex OPCC

Sussex Hold a monthly Performance & Accountability Meeting (PAM) where the CC is held to account for the performance of Sussex Police. The PAMs provide transparency over a broad range of police functions, decisions and national publications. The progress made against the four policing and crime objectives set out in the Police & Crime Plan is challenged through the PAMs too. This process is recognised as best practice nationally by Home Secretary and Minister for Policing, Crime and Criminal Justice and Victims.

Case Study: West Midlands OPCC

West Midlands OPCC has a Strategic Policing and Crime Board. The Board consists of nine members (plus the PCC) appointed following competitive selection. Members are on contracts for services and are not politically restricted. Each receives an allowance based on their responsibilities. Two Board members are designated “Assistant PCCs” and one is a “Strategic Adviser”.

The Board meetings in public monthly, and in private monthly. Public meetings are webcast. Meetings are attended by the CC, along with members of the Chief Officer team and other officers and staff as appropriate.

The Board takes public reports based on report requests authored by the OPCC. These are framed at being requests for information within s36 PRSRA 2011. The core of the public Board work plan is derived from the Police & Crime Plan. There

are also “emerging items” reports, allowing responsiveness. The public meetings include topical questions from the Board. Private board meetings include deeper performance workshops and informal consideration of strategic issues.

Case Study – Dyfed-Powys OPCC

Dyfed Powys has a programme of thematic deep dives with 3 carried out per year. These are part of the OPCC’s “supportive scrutiny” programme and are detailed reviews of issues that matter to the public. These involve the whole OPCC coming together to gather information on a particular subject in order to understand how the Force are performing in more detail. The result is a report with a series of recommendations aimed at supporting the Force to make improvements.

Case Study – South Yorkshire OPCC

The PCC’s ‘Holding to account’ arrangements, are supported by a variety of themed assurance panels and committees. As well as assurance activity programmed in at the start of the year, the assurance panels carry out assurance activity commissioned by the PCC (and / or the CC), usually prompted by discussion at the PCCs Public Accountability Board or by issues being highlighted nationally and by the public or partners locally. The PCC has four Assurance Panels:

- The Joint Independent Audit Committee (jointly with the CC)
- The Independent Ethics Panel (PCC’s panel fully endorsed by the CC)
- The Independent Advisory Panels for minority communities
- The Independent Advisory Panel for Policing Protests (PCC’s panel)

Information sources

OPCCs should look to a variety of data to inform their scrutiny programmes. Force performance information will clearly be key to scrutiny. Some OPCCs rely on the force to provide information, such as scorecards and crime data summaries. Other OPCCs have direct access to force management information systems. Some of the data sources in use by OPCCs are:

- Force data – from their internal data collection / performance monitoring systems
- Force risk registers – these are a useful indicator of what the force currently considers as significant threats to the achievement of the Police and Crime Plan objectives. It is advisable for the PCC to ensure that sufficient oversight attention is given to each risk (not necessarily all carried out by the OPCC) to enable the PCC to confidently discharge their function of securing and efficient and effective force.

- Force Management Statement – a self-assessment of the whole force, this can be a useful source of data, including identification of gaps / shortcomings in performance.
- HMICFRS reports – identifying what HMIC have inspected can ensure the OPCC does not duplicate efforts. This is also a good opportunity to compare / learn from other areas.
- Internal audit – another asset that should be considered to ensure the OPCC's efforts do not duplicate others'. Drawing on independent judgements and using these to direct appropriate and proportionate questions towards the CC can be effective.
- Partnerships' data / feedback – can be particularly insightful to gain other perspectives on the impact of policing on other services.

Considerations

Some common issues may be encountered through the PCC's scrutiny of the CC, including:

Authenticity (getting full answer / timeliness / showcasing / over-familiarity)

In order to overcome this, it is advisable to establish clear and robust working arrangements, possibly through a memorandum of understanding or terms of engagement.

Proportionality (capacity / balancing effective & rigorous scrutiny with burden of requests) & Impact monitoring (tracking actions)

Having a well-informed and jointly-agreed forward scrutiny programme is essential to managing concerns of overly burdensome requests for information and to avoid duplication of efforts across different assurance providers (such as the Inspectorate and Internal Audit functions). Effective chairing of meetings ensuring actions are appropriately tasked and return dates agreed; as well as efficient administrative follow-up after meetings; is crucial in ensuring governance structures are utilised to demonstrate the impact of the PCC's oversight activity.

Diversity & public engagement

Where diversity of public engagement is limited, it may be useful to work with minority representative and support groups to educate about the role of the PCC. This should also open opportunities for dialogue from diverse communities to feed in their views on policing.

Detachment from Police and Crime Plan

Structuring agendas, requests and reports in line with the Police and Crime Plan should ensure discussions remain focused on the impact against the PCC's priorities. That said, the role of Chairpersons and Monitoring Officers cannot be underestimated!

Lack of understanding of PCC's role

It is not uncommon for there to be a lack of understanding of the PCC's role amongst force officers and staff who may not have had any involvement with the PCC's work. Facilitating PCC inputs at new recruits' training, transferee courses as well as

refresher training can be an effective way of introducing the role of the PCC and encouraging dialogue. Good working relationships between the PCC's staff and the CC's staff can support a better understanding of the PCC's role and remit. Having regular, informal dialogue between OPCCs and force representatives can prove to be useful sources of information which could alleviate concerns over disproportionate requests for information through formal channels. Quite often a phone call or a discussion over a cup of tea with the force's subject expert can answer many of the PCC's questions or concerns, thus saving valuable formal meeting time for more significant issues to be considered.

Role of the ICVs in Accountability

The Independent Custody Visiting Association (ICVA) has a five-part distance learning module for Scheme Managers on 'Holding the Police to Account', covering:

- Introduction / why independent custody visiting contributes to holding the police to account.
- ICVs in the custody suite.
- Scheme managers and holding the police to account.
- PCCs / Police Authority / Policing Boards and holding the police to account.
- National and international issues and ICVA's work.

ICVA are also working towards developing a policy / process explaining ICV findings are used to hold the police to account.

For more information on ICVA please visit: <https://icva.org.uk/>

Co-location Considerations in Accountability

PCCs will want to consider the pros and cons of where they are physically located. In general, PCCs tend to be located either on the same site as the Police HQ / CC, or in a separate building nearby.

Being located on the same site can aid the development of a good informal relationship between the PCC and CC. Any issues that arise could be discussed quickly and in person due to the close proximity. Co-location can also aid OPCC staff in building relations with force staff through more day to day interaction. Functions such as estates, ICT and HR are more likely to be shared. However, OPCCs will need to ensure that informal relationships do not undermine the formal scrutiny role of the PCC, and public perception of the co-location should be a factor that is considered. Quick office discussions should not replace formal minuted meetings where an issue is of high concern e.g. financial, community impact, performance, high risk etc.

Conversely, the OPCC being in a separate site to the police force can provide a more formal basis for scrutiny. Meetings between the PCC and CC are more likely to be prearranged. OPCC is separate locations may need to take more time and effort to build relationships with force staff.

3. Holding collaborations to account

Collaboration between police forces has been going on for over a decade. The enactment of the Police Reform and Social Responsibility Act 2011 which saw the introduction of PCCs in England and Wales outlined that the PCC plays a significant role in bringing together relevant bodies to work in partnership to develop priorities. The Police and Crime Act 2017 also placed a duty on emergency services to collaborate with one another. The PCC is statutorily obliged to keep collaborations and collaboration agreements under review to ensure the collaborative arrangements continue to offer an efficient and effective way of delivering policing (and fire and rescue) services.

Information on collaborations from across the country

From the survey of OPCCs conducted in 2018, the types of collaborations covered in the responses included partnership working, regional police force collaborations and commissioned services and national programmes. The methods used to hold the collaborations to account included reports, board meetings and service level agreements.

The collaboration landscape for a police force can be complex and the OPCC will need to consider their governance and scrutiny role. An example of the type of collaborations that can be in place and potential structures is given below.

Case Study – South Yorkshire OPC

South Yorkshire Police (SYP) has developed a Collaboration Effectiveness Framework (CEF) which is being used to review collaborative activity based on an assessment of risk and significance of the activity. The CEF is based on best practice from organisations such as Her Majesty's Inspector of Constabulary and Fire & Rescue Services (HMICFRS), The Chartered Institute of Public Finance and Accountancy (CIPFA) and the independent research body - the Police Foundation.

Based on a number of measures the framework first determines the level of risk and organisational significance presented by the collaboration from low, medium or high. This level then determines the level at which the collaboration is passed through the framework, in essence the higher the risk and significance the higher the level of assurance that is expected.

There are a large number of South Yorkshire PCC and SYP collaborations (65+), and it is not possible to perform regular and full evaluations of each of them, nor would this be proportionate. However, the framework identifies common elements within successful collaborations and compares these to the collaborative activity SYP is involved in.

A Collaboration Review Board (CRB) has been established, chaired by the Deputy Chief Constable (DCC) and managed by the Innovation & Collaboration Manager. The CRB is responsible for co-ordinating assurance activity and the delivery of the Collaboration Effectiveness Framework (CEF). The CRB has put in place a review

plan that runs from June 2018 until January 2020 and details when SYP expects to review each piece of collaborative activity. HMICFRS have recorded this approach as 'notable practice'.

The CRB feeds into SYP's Strategic Change Board where the PCC's Senior Leadership Team is represented. The DCC also highlights any areas of exception or concern with the PCC's Chief Executive at their Management Board, and/or with the PCC at his regular meetings with the Chief Constable. The information and findings gathered from the CEF and the CRB thus inform decisions made by both SYP's chief officer team and the PCC.

The PCC and Chief Constable also seek reassurances in this area from their Internal Audit function, and from their Joint Independent Audit Committee (JIAC). The JIAC received a report on 25 September 2018 on collaborative working where they were assured by the positive work being undertaken. The JIAC reports by exception quarterly to the PCC and Chief Constable.

Case Study: Cleveland OPCC

In Cleveland OPCC collaborations are held to account through various board meetings attended by the PCC and the Chief Executive. The PCC is sighted on performance reports and receives regular updates from the respective Boards. The Deputy CC and Chief Executive feed into a CC/ PCC forum. This model works well but requires very effective agenda planning to ensure its effectiveness. Collaborations held to account include:

- NERSOU – North East Region Special Operations Unit – held to account by the NERSOU Joint Committee (PCCs and CE)
- NETIC – 7 force collaboration – held to account by the NEDB and NECB – about to focus their attention on the return on investment
- CDSOU – Cleveland and Durham Special Operations Unit – held to account by the Cleveland and Durham Collaboration Board
- EVOLVE – North Yorks, Cleveland and Durham includes: legal services; dogs section; C&NY MIT- Held to account by CDM (DCCs and CEs) and JGB (CCs and PCCs)
- Tactical Training Centre – held to account by the Cleveland and Durham Collaboration Board (PCCs)

Other examples of good practice on holding collaborations to account provided in the survey responses included:

- Collaborative agreements or Service Level Agreements, depending on which are most appropriate.

- Service providers who collaborate report to the PCC as funder and into identified governance streams, with a focus on outcomes and outputs.
- Working with partners to align plans and priorities in order to join up activity and make progress on removing silo working.
- Effective planning, consultation and joint agreement or regional strategies on key issues enable better monitoring of progress.
- Regular meetings with key stakeholders where outcomes are discussed ensure that areas for joint working opportunities are identified.
- Where there is a financial grant agreement in place this enables PCCs to be able to 'hold partners to account' against the delivery conditions
- Setting firmer Terms of References for collaborations may be beneficial.

Case Study: Dyfed Powys OPCC

Dyfed Powys Police Collaborative work is overseen through a quarterly Force Collaboration Group chaired by the Assistant Director for Collaboration and Efficiency. The OPCC are attendees at this Board and there is further crossover in terms of the scope of estates based collaborations (responsibility for which sit with the Director of Estates in the OPCC).

Some OPCCs noted that the effectiveness of holding to collaborations to account will be partly dependent on the officer support available to advice PCCs. There was differing levels of dedicated officer support or scrutiny across all of the regions. There was a suggestion that a shared scrutiny resource across regions could assist the scrutiny of collaborations. This is in place in some regions and helps assist in providing all PCCs in those regions support and independent scrutiny advice.

The survey responses suggested that the scrutiny of collaboration was weaker and less consistent than force scrutiny and guidance was welcomed especially for some specialist areas where holding to account is particularly difficult to evidence e.g. counter terrorism.

A tool for the future for OPCCs could be the Internal Audit function. Increasingly OPCCs are using the same internal auditors as their collaborated forces. This can provide an opportunity to commission audits on collaborated functions to provide an extra level of scrutiny and assurance.

Police and Crime Panels and Collaboration

Current guidance from the Local Government Association (in draft) outlines the Police and Crime Panel role in the scrutiny of collaborations. The Government's direction is for an increasing role for force to force and multi-agency collaboration. Panels will need to have an overview of the PCC's collaboration in policing and crime and the criminal justice system which will also include, where appropriate,

other blue light services. However the panel must remember that their legal remit relates only to their own PCC.

The guidance is cautious about the role of panels in working with other panels in order to scrutinise collaborative work across forces. Ensuring that work in this area does not result in quasi-formal joint panel activities which may dilute individual panel's specific roles with their own commissioner or be unwieldy or disproportionate. It does suggest that panels can collaborate but that this should be focused on information sharing to enable the panels to better scrutinise their own commissioner around the cost, risks benefits and outcomes from collaboration. The guidance does not elaborate on how collaboration should take place.

4. Assessing Performance of Specialist Areas

Nationally there is a Strategic Policing Requirement (SPR) in place across all police forces in England and Wales. The SPR is a requirement on all forces to address cross-boundary threats such as civil emergencies, organised crime, public disorder and terrorism. PCCs are required to take account of the SPR when developing their police and crime plan and hold their CC to account for the Force's compliance with it.

- Counter terrorism
- Organised crime
- Ability to meet SPR
- Public evidence of scrutiny

The main difficulty for OPCCs was identified, through the survey, as the lack of capacity to hold collaborations to account. The Frequency of meetings and individuals' capacity to attend such a number of meetings was difficult as was the capacity to review quarterly reports and information.

In addition was the complexity of the partnership landscape which included for example the lack of clarity of expectations, partners resistance to change, clarity of hierarchy.

This was one area that it was clear that OPCCs wanted more guidance and examples of best practice to learn from.

In terms of methods identified that worked well in holding collaborations to account were where there were formal arrangements that were clear, transparent and for which minutes or action logs were prepared and shared. Partnership boards and partnership agreements were another area that OPCCs considered best practice. Generally collaborations were held to account via formal arrangements through Boards.

Case Study: Surrey OPCC

The Police and Crime Plan in Surrey includes combatting terrorism, tackling serious organised crime and meeting the Strategy Policing Requirement (SPR). Performance against counter terrorism and serious and organised crime are assessed in two main ways:

- A regular South East Joint PCC and CC meeting is held. This is chaired by rotation by the PCC as also attended by the heads of the South East regional counter terrorism and organised crime units. Regional Reports are received on performance in counter terrorism and serious and organised crime.
- The PCC has regular private briefings on counter terrorism issues. Where issues of concern have arisen, for example in partner performance for prevent, the PCC has taken action to address these issues.

The PCC asks the Chief Constable to report on how the force is meeting the SPR twice a year during his accountability meetings.

5. Holding Grant Recipients to Account

Most OPCCs have a combination of commissioning of services and giving out grants. Although OPCCs have slightly different processes, commissioning tends to take place for large value contracts (for example victim support arrangements) and where there is joint commissioning with other service providers. Grant giving tends to be for newer services, where perhaps demand isn't known, or for small amounts.

It is good practice to be clear to those who wish to apply for a grant the process which the OPCC uses to receive applications, assess applications and monitor grants made. Information should be available either via the OPCC website or provided on request. For example, the Surrey OPCC has a funding hub which sets out criteria and provides links to apply for funding.

<http://funding.surrey-pcc.gov.uk/>

Most OPCCs adjust their level of monitoring according to the size of the grant or commissioning agreement. For large scale grants the OPCC is likely to want a full formal agreement in place. The assessment of whether something is large scale or small scale may depend on the OPCC. For example, for a Metropolitan force, large scale could be over £100k. For smaller OPCCs this could be over £10k. For large contract, such as with Victim Support, the OPCC is likely to want to put some or all of the following in place:

- Formal grant agreement
- Terms and conditions
- Service Level Agreement
- Monitoring framework – including reports required, outputs and/ or outcomes, performance indicators and timeliness
- Frequency of reporting and method e.g. scrutiny meeting, report

The OPCC will wish to consider data protection requirements and GDPR (General Data Protection Regulation) when setting out agreements. If the OPCC is asking for any personal data or specifying the way in which performance is reported, they may have Data Controller responsibilities under GDPR. For more information on GDPR, please visit the Information Commissioner's website. The issue of when an OPCC becomes a data controller or processor is complex. For further assistance, Centric can provide advice and there is an OPCC GDPR e-mail network in place. Please contact the APAC²E Co-ordinator for details of either of these.

For lower value contracts, most OPCCs have formal arrangements in place, but more proportionate to the value of the contract. These could include:

- Grant application and agreement processes
- Governance board to agree grants
- Monitoring of grants and spend e.g. annually
- Sample testing auditing arrangements

This is an area where OPCCs may be audited by their internal, or potentially external, auditor. Therefore any processes put in place should be:

- Set down in policy
- Consistent across the OPCC
- Transparent to applicants and recipients
- Fair
- Recorded
- Auditable

Case Study: Sussex OPCC

Sussex have a process set up for monitoring grants as follows:

- Accountability takes place through formal grant agreements, with specific terms and conditions attached, together with regular monitoring reports that provide a framework to check, monitor and challenge outcomes; and
- Grant agreements are also used for all victim support service funding made by the OPCC. If it is partnership working only, then a Memorandum of Understanding or Service Level Agreement are used as the holding to account arrangements.
- Agreeing outcome monitoring and ad-hoc output monitoring, which later form part of the grant agreements;
- Agreeing reporting templates and developing these to suit the needs of the providers, as well as the Home Office and Ministry of Justice;
- Diarising monthly, bi-monthly or quarterly monitoring review meetings; and
- Escalating issues of risk and performance reviews within an agreed structure. If performance levels are insufficient, this is raised with the collaboration or service provider directly. Funding can also be held back or reduced, where appropriate, as per the terms of the grant agreements.

Case Study: South Wales OPCC

South Wales have developed a Grants Handbook which sets out how they will award and monitor grants.

The Delivery Lead will monitor the project / grant against agreed outputs and outcomes and ensure that robust and proportional mechanisms are in place to monitor and document progress and achievements and produce project documentation such as Project Initiation Documents, Highlight reports, financial and expenditure information.

Delivery leads are asked to keep records of all documents related to project development / internal approvals including:

- Decision making records
- All financial transactions- original documentation
- Eligible / ineligible expenditure breakdown
- Outcome / outputs as per the grant acceptance
- Evidence of publicity and acknowledgement

Case Study: West Mercia OPCC

West Mercia has a four stage process to awarding and scrutinising grants:

Stage 1: Each grant round for West Mercia is thematic i.e. CSE, Safer Roads, Acquisitive Crime, Child Criminal Exploitation etc. For every round a specification is set with specific outputs and outcomes the applicant must define in the early stages which forms the basis of further discussions and grant offer decisions.

Stage 2: Once a grant offer has been sent out and accepted the lead OPCC officer meets the recipient to go through their application and 'pull out' their outputs and outcomes to put them into the OPCC template. Terms are defined and targets agreed and a letter is issued by the PCC. The meetings are good practice in building transparent relationships and establishing working towards shared goals.

Stage 3: Grant recipients submit quarterly returns, along with a financial return. These are analysed and any successes are celebrated and any concerns questioned. Every grant recipient is visited at least once a year. New grants or those where there are concerns are visited more than once.

Stage 4: OPCC review meetings are held and documented. Throughout the year evidence is built towards continued funding or not and to ensure realignment with the PCC's priorities. Grant extensions are agreed for any longer term funding.

6. Involving communities in accountability arrangements

OPCCs may wish to consider how they involve the local community in their accountability arrangements. This can be done through a variety of methods including:

- Analysis of already held information (surveys, complaints)
- Specifically commissioned PCC surveys of residents' views
- Public meetings and forums
- Advisory groups representing specific parts of the community – i.e. Independent Advisory Groups, residents' panels etc.

Many OPCCs and forces use advisory groups to provide independent advice and challenge. Principles in setting up such groups include:

- The Constabulary must be open to and inviting of challenge
- Panel members need to be motivated to improve outcomes for local people and able to critically evaluate and offer constructive comments
- Efforts must be made to select people who have diverse backgrounds and experiences so that the views offered are reflective of the communities served.

OPCCs could also consider how they use advisory groups to carry out specific scrutiny task. Avon and Somerset, OPCC, for example, asks their groups to assist in Service Delivery Assurance programmes on specific aspects of police service. OPCCs will wish to consider what it wishes any panel or advisory group to focus on. There should be clear terms of reference in place and good practice would be to set objectives for the group.

Case Study: Avon and Somerset

Avon and Somerset OPCC receives feedback from variety of sources, which then feed into their scrutiny arrangements, including:

- Analysis of OPCC contacts (including complaints)
- Topical questions raised at OPCC public forums
- PCC: Chief Facebook Live questions submitted by local people in advance
- Qualitative Information (verbatim comments) from respondents to OPCC local confidence survey (c3000 responses a year)
- Analysis of Police contacts (including complaints)
- Qualitative Information (verbatim comments) from respondents to Police victim satisfaction surveys (cx responses a year)
- Topical questions raised at police-attended public meetings
- Feedback from advisory and scrutiny groups

The force and OPCC also have a number of groups that assist with wider scrutiny:

- Independent Advisory Groups - advising the constabulary on community issues and perception of police activity/planned activity. This includes an IAG representing people who are strongly affiliated with a local mosque, and re-established a youth IAG.
- Citizens Academy – to increase awareness of policing environment, engagement with community, raise awareness of opportunities to support policing
- Independent Residents Panel - to provide scrutiny of Constabulary Complaint Handling
- Scrutiny of Police Powers Panel
- Out of Court Disposal Panel

The OPCC and constabulary are strongly committed to diversity and inclusion and seek opportunities to engage with people, particularly where communities have historically been less willing or able to bring issues to the attention of police.

Service Delivery Assurance programmes (SDAs) have been carried out since 2015, designed by the OPCC in a way that enables involvement of local people in seeking assurance in relation to Police service delivery. Local people who have been members of the OPCC and constabulary advisory groups are invited to take part in these. The advantages of using these people for SDAs are that they are proven ability to provide constructive criticism, maintain confidentiality and vetted. However, disadvantages of using these people for SDAs are that ideas and views are sought from small number of people and potentially going to recirculate rather than offer fresh perspectives and there are limited opportunities to hear from diverse backgrounds.

The Independent Residents Panel (IRP) objectives are:

- Provide IRP feedback to the Constabulary and to scrutinise the Constabulary handling of completed complaint case files
- Provide support and scrutiny in helping discharge the PCC's duty to have oversight of complaints against the police
- Dip-sampling of complaints and producing a report on how complaints have been handled. These IRP reports have been stated by the Home Office as good practice.
- Give independent, lay persons' views of the complaints system and approach
- Ensure the Constabulary's complaint handling and investigations are without bias or discrimination
- Identify best practice in complaints handling and in operational policing
- Bring concerns to the notice of the Constabulary and the OPCC, so they can be considered and lessons learnt where appropriate
- Improve the quality of policing provided to members of the public who have made a complaint
- Undertake related or additional complaints scrutiny work

Many OPCCs commission surveys ad hoc or annually to gain feedback from their residents. West Yorkshire OPCC has a randomised survey programme with

approximately 9,000 surveys issued per month. These types of surveys can allow residents to provide comments on services received and areas of concern.

Case Study - North Wales OPCC

December 2017 the PCC and the CC co-commissioned an annual public confidence survey of North Wales' residents. This survey gave 1,500 residents across North Wales the opportunity to give their views on services provided by North Wales Police, policing in general and to say how they feel about confidence and safety.

7. OPCC engagement with Panel arrangements

Working Arrangements

It is important that OPCCs and Panels have good working arrangements in place to ensure that the panel can have effective scrutiny of the PCC. Good practice as summarised by the network's working group in December 2018 include:

- Set clear agendas in advance between OPCC and panel
- Encourage panels and supporting officers to have national or local training on their responsibilities
- Maintain good relationships between OPCC/PCC and the panel and supporting officers
- For key topics, consider working with the panel to develop ways of getting smaller groups of panel members informed in greater detail e.g. link members or working groups

When asked what works well in the survey of OPCCs, the following points were made:

- An effective chair and engaged panel membership who can be supportive and challenging and understands the role of the panel
- A good relationship between the OPCC and the Council responsible for the Panel works well
- Involvement of Link Panel members or smaller sub-groups allow stronger engagement of members, develops understanding and builds relationships
- Arrangements to enable joint forward planning, agenda setting and work programme
- Informal planning meetings to set clear agendas, sequence agenda items, discuss items
- OPCC input into PCP Training / Development / New Member Induction
- Panel developing an in-depth understanding of PCC work with examples of this stated as:
 - The Panel show a detailed interest in the Commissioner's work and are increasingly represented at various public events the Commissioner holds. The Panel formally submit an extensive question set in advance of the quarterly meetings in order to gain a more detailed understanding of the OPCC's work.
 - The Panel Business Manager and usually the Chair regularly attends to view the Accountability and Performance Panel meetings
 - Informal panel once a year gives the panel a chance to ask broader questions.
- Keeping Panels sighted on the local position in national legislative changes (such as fire governance and the new complaints regime) and work with PCPs to prepare for and carry out new aspects of their role.

However, the survey did also highlight some areas where there could be improvements or difficulties in working relationships. These included:

- tendency for panels to want to scrutinise the police force or partners rather than the PCC
- panel wanting to get into great detail or local areas / areas of personal interest rather than keeping a strategic overview
- linked to the above, reports that their panel needs to focus more on scrutinising the Police and Crime Plan
- would want better support for the panel and/ or more officer knowledge

OPCCs may wish to consider how they work with their panel lead officer and chairperson to build on what works and minimise areas of difficulty. Some OPCCs have memorandums of understanding, information sharing agreements or working arrangement documents in place and these may assist in setting out principles for working together. Examples of these can be found in the section on further information at the end of this document.

Case Study – Avon and Somerset

Avon and Somerset OPCC have an Officer who acts as a single point of contact with the Panel's lead officer. A work plan for the year ahead is agreed. Agenda setting meetings are held in advance of each meeting between the Panel Chair, PCP lead officer and OPCC representative. Panel Link Members have been established, aligned to each Strategic Priority of the Police and Crime Plan. Role descriptions for Panel Link Members have been drawn up and recently reviewed in parallel with the Plan's refresh. Historically, the Panel Link members have had involvement in planning and performance reporting activity: attending workshops to develop the Police and Crime Needs Assessment, to develop the Police and Crime Plan and to review the draft annual report. They have also taken roles in assurance work: attending service delivery assurance events to review levels of service and to determine how police and partner agencies can improve how they work together for the benefit of the communities. It has been determined that in future there will be formal meetings, held quarterly, between the OPCC Priority Lead and the Panel Link Member for the corresponding priority, where thematic assurance undertaken can be discussed to enhance awareness of scrutiny activity undertaken by the Commissioner and the Constabulary.

Guidance for Panels

To assist in carrying out their role, recently produced LGA/CfPS guidance (under consultation) considers the statutory and scrutiny functions of police and crime panels and police, fire and crime panels. It covers their powers, diverse roles and opportunities within the context of policing and crime accountabilities.

It considers the roles for panels as being one of challenge/scrutiny and one of support and states that a clear and shared understanding is critical for panels and commissioners to have a positive working relationship. It indicates that drawing up a memorandum of understanding has been reportedly helpful for both commissioners and panels. It also mentions that the role is distinct and different from that of scrutiny in a local authority which may be a key point given that most panel members are also local authority councillors.

It states that all Panel activity should be justified with reference to the transaction of their statutory duties. It also indicates that panels may wish to carry out proactive work because 'in order to fulfil its statutory duties effectively panels might need to carry out a range of wider activities such as inquiries and investigations into issues of local concern which involves the gathering of evidence from a range of sources to gain a broader picture of concerns at a strategic level'. It then goes on to suggest that this work is most effective if seen in the context as helpful support for the commissioner as opposed to a form of challenge. Whilst the guidance appears to favour an expansive and proactive role for PCPs, the APCC consultation response challenged this particularly around content in the guidance on pre-decision scrutiny and suggestions for expanded scrutiny of the budget. This highlights the importance of clarity / mutual understanding of respective role and responsibilities and building relationships and work programmes in order to utilise / maximise / develop the role and contribution of the Panel within appropriate boundaries.

Finally, the guidance brings out the importance of the chair's role in the effective operation of the panel, stating that they need to work closely with the support officer and build sound relationships with the commissioner. This will potentially involve sharing responsibility for agenda setting and for driving the work programme.

8. OPCC Attendance at Police Meetings

In some OPCCs and police forces, OPCC staff are asked to attend force meetings. The sorts of meetings which OPCC staff might attend will vary according to the individual force/ PCC be asked to attend might include:

- Gold group oversight meetings
- Individual gold groups
- Chief Officer Groups
- Strategic Performance Meetings
- Change Boards
- Finance Boards
- HR Boards
- Victim/ customer service boards
- Regional groups

There are pros and cons of attendance.

Advantages:

- it can increase OPCC understanding of force business
- can allow better briefing of the PCC to aid PCC scrutiny of the CC
- builds relationships with force colleagues
- can identify areas where the PCC could provide support to the force, e.g. funding opportunities
- it allows

Disadvantages:

- There can be misunderstanding of the role of OPCC staff – for example the force may view staff as a delegated decision maker of the PCC and if they agree then the PCC agrees
- The force may feel that if a member of OPCC staff is briefed then they don't want to provide formal papers to scrutiny meetings
- It may be more difficult for the OPCC collectively or individual staff to scrutinise decisions of the force if they have been of developing discussions

Good practice advice would include:

- To undertake an audit of any police boards or groups that the OPCC attend
- To set out the remit of OPCC attendance with and agree with police
- To be clear with police that the OPCC representative may brief the PCC on areas of interest as considered appropriate
- To be clear that, unless specifically delegated (e.g. finance delegation as Treasurer or decision making as Chief Executive), the OPCC member of staff cannot make decisions on behalf of the PCC
- To be clear that attendance at meetings does not mean that the OPCC will be fully briefed and the OPCC may ask for more information or a report

Name of Board	OPCC Attendee (s)	Remit on Board
Strategic Risk and Learning Group	Name	To input OPCC risks and learning. To understand force risks and brief PCC if needed.
Victim Care Board	Name	To draw attention to victims' issues which may otherwise not be picked up by the Force, to act as a bridge between the Force and the OPCC.
Independent Advisory Group (IAG)	Name	To understand force risks, input in to panel discussions and brief PCC if needed.
Joint Procurement Board	Name	To represent the OPCC and ensure that the best procurement practices are followed in Surrey & Sussex police forces.

9. OPCCs and HMICFRS

Responsibilities of HMICFRS and PCCs

PCCs and Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) and distinct, but linked, roles in oversight of policing.

PCCs, supported by their office, hold the police to account on behalf of the public. They hold the CC to account for the performance of the force area's officers and staff. They set the Police and Crime Plan and hold the CC to account for the delivery of that plan.

HMICFRS promote improvements in policing and fire and rescue services to make everyone safer. They do not hold police to account. They inspect, monitor and report of the efficiency and effectiveness of police and FRSs with the aim of encouraging improvement.

However, the two bodies do cross over in their aims. They both want to see improvements. They will both seek public opinion as to the service provided by a police force. HMICFRS state on their website that:

“By providing accessible information on the performance of forces and FRSs, we allow their public, and peers, to see how they are doing. This will place pressure on those forces and FRSs requiring improvement in aspects of policing and fire & rescue to raise their game.”

PCCs will also be asking CCs to improve to meet the aims, objectives and statements set out in the Police and Crime Plan. In many cases the areas for improvement identified by HMIC and PCCs will be the same. But in some cases PCCs may be asking for different areas of emphasis that HMICFRS, which can make prioritising improvement difficult for forces. It is therefore important that PCCs and HMICFRS work well together and forces understand their distinct roles.

HMICFRS Inspections

HMICFRS carry out the following types of inspection:

- PEEL Inspections – an annual programme looking at the Effectiveness, Efficiency and Legitimacy of police forces
- Crime Data Quality inspections
- National thematic inspections on specific topics
- Individually commissioned inspections

The annual programme of inspections is published by HMICFRS on their website.

HMICFRS will hold a strategic briefing session with the police force and a hot-debrief for each inspection. It may be worthwhile for PCCs or their offices to engage in these sessions either by attending the meetings or by inviting HMICFRS in to meet the PCC.

PCC Responses to HMICFRS Inspection Reports

PCCs have a statutory responsibility, under Section 55 of the Police Act 1996, with regard to responding to HMICFRS inspection reports. The Act requires the local policing body (PCCs and mayors in London and Manchester) to prepare comments on the report and publish them. Providing a response can also help with being clear around HMICFRS recommendations and how the CC and PCC see these fitting into local plans for improvement. The process is as follows:

- HMICFRS issues a report in relation to an individual force, group of forces or national thematic
- OPCC considers whether the report relates to their force (national reports which cover findings and recommendations for policing will relate to all forces)
- The PCC invites the Chief Officer of the force to submit to the PCC his or her comments on the HMICFRS report and sets a date for a response
- OPCC receives back Chief Officer comments
- PCC prepares their comments on the report, together with the CC's comments and any response on the CC's comments.
- If there are recommendations (covering a particular force or national recommendations for all forces) the response must include:
 - The action the PCC has taken or proposes to take in response to the recommendations; or
 - Why the local policing body has not taken, or does not propose to take, any action in response
- OPCC publishes their response – this is usually done on the PCCs/ OPCCs website
- A copy of the published comments (either a copy or the response or a link to the published document) should be sent to HMICFRS and the Home Secretary. This should be sent via e-mail to: section55responses@homeoffice.gov.uk
- Responses are required to be published and given to HMICFRS and the Home Office within 56 days (actual days not working days) of a report being published.

This process applies to all HMICFRS reports issued that relate to an individual police force, a group of forces or a national report relating to policing. If HMICFRS produce a national thematic report and individual force reports, both need to be responded to unless the reports contain the same findings and recommendations.

This is an opportunity for CCs and PCCs to consider how HMICFRS recommendations fit with the Police and Crime Plan, whether they complement the plan and will assist the force in meeting local priorities or whether there is difference between the plan and HMICFRS findings.

Where PCCs and CCs have agreed to take action in response to a recommendation, PCCs will wish to assure themselves that these actions have been taken forward. This could be done via a report to the PCC on individual recommendations or a regular report on HMICFRS recommendations in general. Alternatively, if there is a force process in place, such as a meeting which discusses progress towards

HMICFRS recommendations, the PCC may wish to be part of that process or meeting.

HMICFRS also require that forces produce Force Management Statements on an annual basis. A force's FMS is the CC's statement and explanation of:

- the demand the force expects to face in the next four years;
- how the force will change and improve its workforce and other assets to cope with that demand;
- how the force will improve its efficiency to make sure the gap between future demand and future capability is as small as it can reasonably be; and
- the money the force expects to have to do all this.

HMICFRS have a database of inspection recommendations for forces. This shows how many recommendations have been made in relation to each force and how many have been actioned and completed. This database is currently available only to OPCCs and forces. A web link and password for the database can be obtained by contacting HMICFRS. HMICFRS are currently considering a public version of this database.

Other HMICFRS Responsibilities relating to PCCs

The FMS will be an important document for the PCC to review. The PCC may also wish to be involved in the development of the FMS and may also wish to add comment to the introduction for the FMS. The FMS should reference the Police and Crime Plan and link the above points to achieving the Police and Crime Plan. The FMS should also be joined up with the budget planning process which the PCC oversees.

HMICFRS also publish Value for Money information each year. This can provide a further tool for PCCs to scrutinise and hold the CC to account. The Value for Money information provides comparative information against other forces and can give PCCs indications of where the force could seek to find further efficiencies or where good value for money is being provided. PCCs may wish to ask questions of the CC on the information provided by HMICFRS and ask for further explanation.

PCCs can also request an inspection to be carried out by HMICFRS on their force area. This may be in relation to a specific concern or risk to public safety. PCCs will be required to set the scope for and pay for any inspection. The process for commissioning an inspection is set out on the HMICFRS website.

There are other specific areas on which HMICFRS can work with PCCs. In particular, HM Inspectors sit on misconduct and appeals panels for CCs and other senior officers. If a PCC is seeking to remove a CC, they must first obtain and consider the views of HM Chief Inspector of Constabulary (HMCIC) on the proposed dismissal. If the PCC then proceeds with the matter, they must later consider the opinion of the local police and crime panel. The panel may also ask HMCIC for their views on the matter. The APCC and NPCC are looking to issue more guidance in

these cases and any OPCC moving towards this situation should seek advice from the APCC.

10. Further Information

Assessing of Specialist Areas

Strategic Policing Requirement (currently being revised):

<https://www.gov.uk/government/publications/strategic-policing-requirement>

Holding Grant Recipients to Account:

Information Commissioner's Office and GDPR:

(<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/>).

Police and Crime Panels:

Example panel terms of reference:

www.nwpcp.org.uk/en/Home/documents/Police-and-Crime-Panel-Terms-of-Reference.pdf

Example Memorandum of Understanding and working arrangements

www.meetings.southyorks.gov.uk/documents/s47447/Memorandum%20of%20Understanding%20MOU.pdf?zTS=A

www.hertspcp.org.uk/content/working-arrangements-police-and-crime-panel

Example of Panel Proactive work:

<https://www.hants.gov.uk/aboutthecouncil/governmentinhampshire/police-crime-panel/proactive-scrutiny>

Report/pdf/Lincolnshire_PCP_Final_Task_Group_Report.pdf?m=63691009678907000

LGA guidance for Panels:

<https://www.local.gov.uk/police-and-crime-panels-1>

Working with HMICFRS

<https://www.justiceinspectorates.gov.uk/hmicfrs/police-forces/working-with-others/pcc/hmic-pccs-and-the-mopac/>