



## PFCC Decision Report

**Report reference number:** 166-22

**Classification:** OFFICIAL

**Title of report:** The Kent Police and Essex Police Joint Serious Crime Directorate - Police Force and Elected Local Policing Body Section 22A Police Act 1996 Collaborative Agreement

**Area of county / stakeholders affected:** Essex Police, PFCC for Essex and PCC for Kent.

**Report by:** TLT Solicitors and Christina Drewitt (Senior Business Manager – Serious Crime Command)

**Chief Officer:** ACC Andrew Pritchard

**Date of report:** 25<sup>th</sup> November 2022

**Enquiries to:** Christina Drewitt (Senior Business Manager – Serious Crime Command)

### 1. Executive Summary

The existing Serious Crime Directorate collaborative legal agreement (S23) has never been officially reviewed or amended since the Directorate's inception in 2010. SCD has worked with TLT Solicitors, the Force Solicitors, Finance and HR in both forces to draft a new S22A agreement which sets out the legal provisions for the SCD collaboration.

### 2. Recommendations

It is recommended that the PFCC considers and approves the new S22A agreement between Kent and Essex for the provision of the Serious Crime Directorate appended to this report, which provides operational capability in line with the Strategic Policing Requirement across both Essex and Kent for the following areas:

- Intelligence
- Major, Economic and Cyber Crime
- Investigatory Powers
- Dedicated Source Unit
- Covert and Serious Organised Crime
- Forensic Services
- Case Review and Holmes

There are no resource implications in relation to this proposed legal document.

### **3. Background to the Proposal**

The S22A Police Act 1996 (as amended) enables police forces, local policing bodies and other parties to make an agreement to collaborate with one another, to discharge the functions of police officers and staff in the interest of efficiency and effectiveness. Collaboration has been and is considered important by successive governments and is regarded as a key to identifying underlying problems that can be addressed to reduce cross border crime whilst achieving efficiencies and economies of scale.

The S22A Agreement sets out the provisions under which the Kent and Essex SCD collaboration operates which includes the following provisions:

- Operational units
- Tasking arrangements
- Agreed term
- Governance arrangements
- Funding and payment arrangements
- Sharing of costs, savings, and income
- Performance monitoring and review
- Insurance and indemnity
- Audit and inspection
- Staff
- Direction and control
- Discipline
- Vetting
- Health and safety
- Policy and procedures
- Support services
- Information management
- Freedom of information requests
- Assets and liabilities
- Intellectual property rights
- Premises
- Legal compliance
- Resolution of disputes
- Termination of agreement

The existing S23 collaborative agreement between Kent and Essex for the provision of the Serious Crime Directorate was signed by the Essex Police Authority in September 2010. This agreement is out of date and is proposed to be replaced by the S22A agreement appended. The structures within SCD have changed over the collaborative period as have the governance arrangements; it is therefore imperative that the agreement is updated and reviewed.

#### **4. Proposal and Associated Benefits**

The draft S22A Agreement for SCD provides the following benefits:

- Compliance with Section 22A Police Act 1996 (Collaboration Agreements)
- Updated framework for the SCD collaboration
- Sets out the provisions under which the SCD operates
- Removes ambiguity from the existing S23 agreement
- Removes the risk of criticism should Essex and Kent be inspected in relation to compliance with the S22A agreement

#### **5. Options Analysis**

The alternatives to agreeing the draft S22A agreement are:

- To not approve the legal agreement which will result in SCD not having an updated legal agreement between Kent and Essex
- To provide guidance on amendments which can be considered and incorporated into the draft document

#### **6. Consultation and Engagement**

The draft SCD S22A Agreement has been reviewed by the following individuals across both forces:

Mark Gilmartin – Director of Kent & Essex Support Services  
Bev Newman – Head of Legal Services – Kent  
Adam Hunt – Force Solicitor – Essex  
Debbie Martin – Chief Finance Officer – Essex  
Jonathan Castle – Chief Finance Officer – Kent  
Alison Brett – Head of Operational HR

Legal guidance has also been provided by TLT Solicitors.

#### **7. Strategic Links**

The work of the Serious Crime Directorate links to the following areas of the Police and Crime Plan:

Reducing drug driven violence  
Protecting vulnerable people and breaking the cycle of domestic abuse  
Reducing violence against women and girls  
Preventing business crime, fraud, and cyber crime

Improving safety on our roads  
Increasing collaboration

The Chief Constable and the Police, Fire and Crime Commissioner also have a legal duty to deliver the Strategic Policing Requirement (SPR) 2012. The SPR relates to several policing areas including Serious and Organised Crime which is a key activity within the Essex and Kent Serious Crime Directorate. The SPR was due for review in 2021. As and when the review is completed, the S22A Agreement will need to be reviewed and revised as appropriate.

## **8. Police operational implications**

There are no direct operational policing implications associated with the draft S22A agreement, although the SCD policing arrangements, direction, control and performance management arrangements are covered within the documentation.

## **9. Financial implications**

The draft S22A agreement covers funding and payment arrangements as well as savings, income and cost sharing arrangements.

This is an update of an existing agreement and therefore there will not be any financial changes a result of this decision.

## **10. Legal implications**

Any collaborative agreement between forces needs to have an up to date, signed and dated S22A legal agreement.

Both the Essex and Kent Force Solicitors were involved in meetings to discuss the contents of the proposed S22A agreement for SCD and reviewed the document, advising that they agree with the final draft. The changes that were made are minor, concentrating on updating the document with new legislation where referenced and simplifying the document which will ultimately result in it remaining current for longer.

The draft S22A agreement was completed by external solicitors who specialise in these agreements. Employing external specialists provides reassurance and scrutiny in relation to the document submitted for the PFCC's consideration.

## **11. Staffing implications**

The draft agreement covers staff, discipline, and health and safety considerations. As this is an update of an existing agreement, there is not likely to be any staffing implications as a result of approving the S22a agreement.

## **12. Equality, Diversity and Inclusion implications**

There are no expectations that the signing of the S22a agreement between Essex and Kent will disadvantage any individual.

SCD follows both forces' HR policies which ensures compliance with employment, equality and disability discrimination laws. There are active Diversity and Inclusion Boards that meet regularly in both forces across the command.

Please see the attached equality impact assessment.



Equality%20Impact%  
20Assessment%20-%

### **13. Risks and Mitigations**

There are no risks associated with approving the draft S22A agreement.

There may be a risk associated with not approving or further delay in approving the draft agreement. If there is further delay in progressing the revised legal agreement between Kent and Essex for the provision of services received from the Serious Crime Directorate, the forces could be criticised if an external inspection takes place.

### **14. Governance Boards**

The draft SCD S22A agreement was discussed at JCOG on 4<sup>th</sup> October 2022, and it was agreed that the document needed to be reviewed and agreed by the Essex PFCC and Kent PCC.

The document was also tabled and agreed for progression with the PFCC / PCC and Chief Constables at the Kent and Essex Collaboration Oversight Meeting on 27<sup>th</sup> October 2022.

Finally, it was considered at the PFCC's Strategic Board on 15<sup>th</sup> December 2022.

### **15. Links to Future Plans**

The draft agreement supports the continued SCD collaboration.

### **16. Background Papers and Appendices**

#### *Background papers*

Please see previous SCD S23 agreement from 2010 (for information).



FINAL SCD Section  
23 Agreement 11 01

#### *Appendices*

Appendix 1 – Equality Impact Assessment (embedded in section 12 above)

Appendix 2 – JCOG report (4 October 2022) (incorporating the proposed Police Force and Elected Local Policing Body Section 22A Police Act 1996 Agreement) (attached)

**Report Approval**

The report will be signed off by the PFCC’s Chief Executive and Chief Finance Officer prior to review and sign off by the PFCC / DPFCC.

Chief Executive / M.O.

Sign:



Print: P. Brent-Isherwood

Date: 14 December 2022

Chief Financial Officer

Sign:



Print: Janet Perry

Date: 19 December 2022

**Publication**

Is the report for publication?

YES

NO

**If ‘NO’, please give reasons for non-publication** (*Where relevant, cite the security classification of the document(s). State ‘None’ if applicable*)

None

If the report is not for publication, the Chief Executive will decide if and how the public can be informed of the decision.

**Redaction**

If the report is for publication, is redaction required:

1. Of Decision Sheet?	YES	<input type="checkbox"/>	2. Of Appendix?	YES	<input type="checkbox"/>
	NO	<input checked="" type="checkbox"/>		NO	<input checked="" type="checkbox"/>

If 'YES', please provide details of required redaction:

N/A

Date redaction carried out: .....

**Chief Finance Officer / Chief Executive Sign Off – for Redactions only**

If redaction is required, the Treasurer or Chief Executive is to sign off that redaction has been completed.

Sign: .....

Print: .....

**Chief Executive / Chief Finance Officer**

**Decision and Final Sign Off**

I agree the recommendations to this report:

Sign: 

Print: ROGER HIRST

**PFCC/~~Deputy PFCC~~**

**Date signed:** 21st December 2022

I do not agree the recommendations to this report because:

.....  
.....  
.....

Sign:

Print:

**PFCC/Deputy PFCC**

**Date signed:**