

HUMBERSIDE POLICE AND CRIME PANEL

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| DATE | 24 November 2020 |
| REPORT OF | Head of Assurance and Statutory Duties, Office of the Police and Crime Commissioner (OPCC) |
| SUBJECT | How the PCC holds the Chief Constable to account |
| STATUS | Open |

1. EXECUTIVE SUMMARY

- 1.1 The role of Police and Crime Commissioner (PCC) was created in the Police Reform and Social Responsibility Act 2011. The PCC is elected by and accountable to the public. Their role is to be the voice of the people in policing and to hold the Chief Constable to account.
- 1.2 The Chief Constable is responsible for operational policing matters, direction and control of police personnel, and for putting in place proper arrangements for governance of the Force. The PCC is required to hold the Chief Constable to account for exercise of those functions and those of persons under their direction and control. It follows that the PCC must be assured the Chief Constable has appropriate mechanisms in place for maintenance of good governance, and that these operate in practice. The relationship between the PCC, Chief Constable, Police and Crime Panel and Home Secretary is guided by the Policing Protocol Order 2011, which states the PCC has a legal power and duty to scrutinise, support and challenge overall performance of the Force including against priorities agreed within the Police and Crime Plan.
- 1.3 It is important to understand how our governance and assurance arrangements function and link together. The PCC holds the Chief Constable to account in a number of formal and informal ways through systems and processes comprising the PCC's current governance and assurance arrangements:
 - Police and Crime Plan 2017-2021.
 - Delivery Plan 2020-2021.
 - PCC Accountability Board.
 - Assurance Arrangements.
- 1.4 Assurance arrangements include daily informal interaction, joint PCC/Chief Executive/Chief Officer briefings, assurance conversations, Joint Independent Audit Committee (JIAC), proposed Independent Ethics and Scrutiny Board (discussed later), and complementary work through our independent scrutiny (and proposed changes to strengthen this further). All these (with the exception of recent scrutiny proposals) have been previously outlined to the Panel in the Annual Delivery Plans for 2018-19 and 2019-20. The Panel is also a key part of these arrangements, scrutinising the work of the PCC and acting as critical friend through independent challenge.

- 1.5 The Guidance on Holding Humberside Police to Account was originally published in February 2019. This is included at Appendix A, albeit now updated to reflect recent independent scrutiny changes in particular (the latest version will also be updated on our website in the coming weeks).

2. RECOMMENDATIONS

- 2.1 It is recommended that the Police and Crime Panel: (a) discuss and note the report and receive a further update as the new scrutiny approach progresses, and (b) help to promote our approach to the public.

3. BACKGROUND

- 3.1 It is worthwhile outlining some history leading to our current arrangements.

Governance Changes

- 3.2 In February 2019, we carried out structural changes in the office, making it opportune to consider the existing Corporate Governance Group and develop it to provide greater clarity, better timing, more transparency and a 'business like' approach.

- 3.3 The key changes at that time included:

- Existing Corporate Governance Group became the Accountability Board, refocused on holding the Chief Constable to account.
- More action-based approach to the meetings (all actions are now published on our website for the public to view).
- More 'public friendly' Annual Governance Statement (AGS).
- Recent significant changes to our Code of Corporate Governance (making it more usable).
- Development of regular Assurance Conversations with chief and senior officers.

- 3.4 All these changes have been outlined to the Panel through the Annual Delivery Plans in both 2018-19 and 2019-20. These were key internal changes focused on delivery, inspections/audits/reviews, people, finance, collaboration/partnerships, risks and current/significant issues.

Scrutiny Changes

- 3.5 In the current Delivery Plan 2020-21, one aim was to carry out a review of independent scrutiny arrangements by the public. This review commenced in July 2020 and recently reported back to the PCC and Accountability Board. It is worth outlining some of the changes being made and the key reasons for independent scrutiny. The review considered practices in other OPCCs; these varied considerably, as did reporting and the issues scrutinised. The review aims to strengthen independent scrutiny and we hope the Panel will support us in improving community involvement.

- 3.6 The review of independent scrutiny will:

- Create an approach that not just gathers evidence on issues affecting local policing, but make it easier to make recommendations to the PCC based on findings.
- Involve the right people at the right time and for the right reasons.

- Bring our scrutiny and assurance together to ensure the PCC gains maximum benefit and that scrutiny of the Force is undertaken accordingly.
- Look at our monitoring and reporting of information from various scrutiny groups to ensure the right information is collected, correct level of challenge undertaken, and ultimately the right level of assurance is provided to the PCC.
- Fill gaps in our scrutiny as identified by the PCC, including the need to focus more on hate crime issues for example.

3.7 It was also timely given recent changes to the Force Independent Advisory Group (IAG) approach, ensuring our scrutiny actively complimented changes being made by the Force.

3.8 Recent national issues serve as a reminder to ensure adequate monitoring, scrutiny and challenge around Use of Force and Stop and Search statistics in particular. The last Her Majesty's Inspectorate of Constabulary and Fire and Rescue Service (HMICFRS) inspection raised preference for an independent chair. Chairing has to date been undertaken by the OPCC Head of Assurance and Statutory Duties.

3.9 The review was also an opportunity to consider how we could improve our view and understanding of ethical issues, so we considered the current Joint Ethics Panel. Ethical issues should be part of the driver for our scrutiny focus.

3.10 In recent years the focus of our Diversity Panel has changed, including development of two sub-groups – (i) **Use of Force Scrutiny Panel** (2017) and (ii) **Stop and Search Scrutiny Panel** (2018). Before then, independent scrutiny meetings were more ad hoc. The OPCC also undertakes a range of scrutiny, which has evolved over a period of time. This includes:

Gold-standard Independent Custody Visitor Scheme (ICVS): volunteers are recruited for their skills to make unannounced inspections across two custody suites. In recent years, we successfully recruited new volunteers from a diverse age group, as well as skills from areas such as social care, bringing a new perspective. During the pandemic, we found other ways of working, including checks via telephone into the custody facilities (speaking to detainees where they wish to do so), and checking a sample of custody records to ensure consistency of approach.

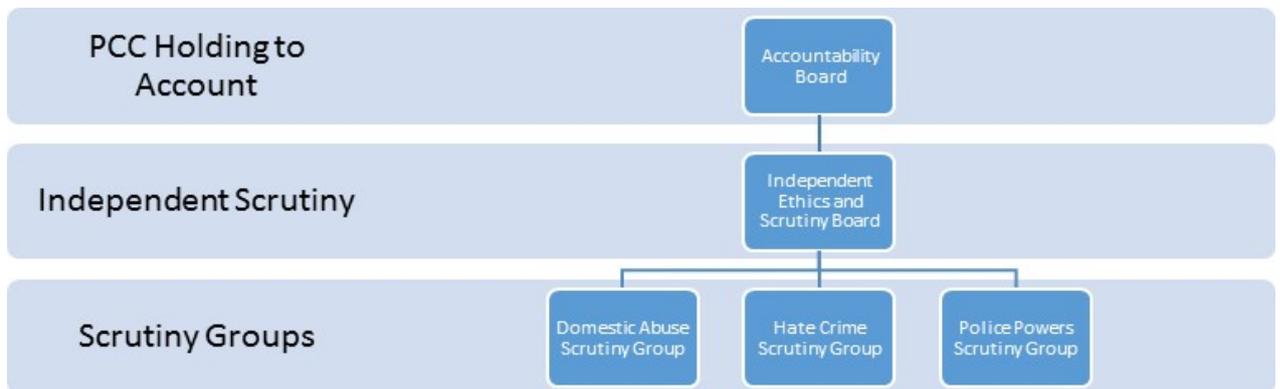
Independent Domestic Abuse Scrutiny Panel (IDASP): working with other organisations to review and improve investigation of domestic abuse and support/safeguarding of domestic abuse victims. The Panel was formed in September 2018, meets quarterly and includes Independent Domestic Violence Advocate (IDVA) services, Local Authority Domestic Abuse service managers, National Probation Service and academics specialising in domestic abuse. This is on hold due to Covid-19, but plans are in place to re-establish as soon as practicable.

3.11 The review identified clear benefits in involving more volunteers in our scrutiny. This current range of activity allows the PCC to hold the Force to account more effectively. Through all of this scrutiny work, the one noticeable thing was that our own transparency around reporting to the PCC and scrutiny of issues could be improved further.

CHANGING APPROACH

3.12 The guidance at Appendix A outlines how the PCC holds the Chief Constable to account.

- 3.13 As well as holding the Chief Constable to account, the PCC must demonstrate that the decisions they make, and the way they make them are good. The work of the PCC and their decisions are formally scrutinised publicly by the Humberside Police and Crime Panel.
- 3.14 The revised scrutiny approach advocates a new Independent Ethics and Scrutiny Board to act as overall 'home' for all OPCC scrutiny activities. This includes independent Scrutiny Groups, made up in most cases of volunteers who represent the issues being scrutinised. The findings from all of these groups and their reports will be considered by the Independent Ethics and Scrutiny Board and provide a central focus for the OPCC. The Independent Ethics and Scrutiny Board will be chaired by an Independent Chair (remunerated and to be appointed to). Membership of the Board will ensure that action can be taken at the right level and in a timely manner.
- 3.15 The Board will have a core membership that will generally stay the same, but also able to invite individuals with specialist knowledge, skills or experiences as required. The Board also debate and develop well informed answers to thematic 'public interest' questions about key areas scrutinised and ethical issues raised.
- 3.16 The following diagram outlines the structure:



- 3.17 The PCC is able to challenge progress on the outcomes of any scrutiny (i.e. how recommendations are being delivered or not) and require appropriate evidence of improvement. This will be undertaken by the Chair of the Independent Ethics and Scrutiny Board providing specialist and independent scrutiny findings and recommendations directly to the PCC. The PCC will ensure that the outcomes of scrutiny (and how it makes a difference) are communicated effectively.
- 3.18 Because scrutiny involves reviewing a wide range of evidence, it can be an effective tool for helping to inform policy, particularly through:
- Generating new ideas and ways of doing things.
 - Challenging assumptions about existing ways of working.
 - Engaging members of the public.
- 3.19 Scrutiny of many different areas also helps the PCC to have a complete 'overview' of policing (the 'totality' of policing) and ethical issues, enabling them to do a number of things such as identify strategic opportunities to do things differently, to learn and to progress.

OTHER ISSUES OF NOTE

- 3.20 At present, we are working with the Force Community Safety Unit to determine a Mystery Shopper approach utilising the Force Volunteer Scheme. The aim will be to create a suitable resource with the ability to feed in results to the PCC's scrutiny approach where appropriate.
- 3.21 There is a need to consider further areas of scrutiny in future. Some other PCCs focus on complaints and call handling for example. At this time, given the resources and recent investment into the complaint review process, our focus is around the key issue of vulnerability - hate crime, use of police powers and vulnerable people in custody.

GUIDANCE: HOLDING THE CHIEF CONSTABLE TO ACCOUNT

The Policing Protocol Order 2011 outlines the statutory duty and electoral mandate of the PCC to hold the Chief Constable to account on behalf of the public.

Elected by the public, the PCC holds the Chief Constable to account, making sure they deliver against the Police and Crime Plan and effectively making the police answerable to the communities it serves.

The PCC fulfils this duty in a number of ways, including regular assurance conversations and through one-to-one briefings.

The Office of the Police and Crime Commissioner (OPCC) hosts a Joint Independent Audit Committee (JIAC), Accountability Board, Independent Ethics and Scrutiny Board, and a number of scrutiny groups including: (i) Police Powers Scrutiny Group, (ii) Hate Crime Scrutiny Group, and (iii) Domestic Abuse Scrutiny Group.

The PCC also sets the Chief Constable's terms of employment, including their salary and annual leave entitlement in line with the Home Office's national guidelines set out in Police Regulations.

The Police and Crime Panel holds the PCC to account.

In addition, the PCC also attends meetings of the Humberside Fire and Rescue Authority, which holds Humberside Fire and Rescue to account, and participates on an informal non-voting basis.

One of the principle ways the PCC holds the Force to account is at the Accountability Board.

Regular topics for discussion at the Accountability Board include:

- Delivery and Performance
- Inspections, Audits and Reviews
- People
- Finance
- Collaboration and Partnerships
- Risks
- Current and Significant Issues

It is important to understand how governance and assurance link together.

The PCC holds the Chief Constable (CC) to account in a number of ways, some formal and some informal, but in general the PCC does this as follows:

| CORE ARRANGEMENTS | |
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| Daily | Informal interaction. Enable and encourage spontaneous face-to-face discussions between Chief Officers and PCC/Chief Executive, who may receive: <ul style="list-style-type: none"> • Updates on significant issues • Notification of significant/critical incidents |

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| <p>Joint PCC / CC Briefing (Weekly)</p> | <p>Purpose: Closed informal briefing which enables dialogue and discussion on a routine weekly basis. Opportunity for PCC to discuss elements of Police and Crime Plan delivery based on weekly themes, and receive updates on topical issues/operational matters.</p> <p>Attendees: PCC/CC/Chief Executive</p> |
| <p>Joint Chief Executive / DCC (Monthly)</p> | <p>Purpose: Closed informal briefing which enables dialogue and discussion on a routine monthly basis. Opportunity for Chief Executive and DCC to discuss organisational planning, risks and current/significant issues.</p> <p>Attendees: Chief Executive/DCC (PCC attends if required)</p> |
| <p>Accountability Board (Bi-Monthly)</p> | <p>Purpose: Bi-monthly formal governance meeting between the PCC/Chief Constable to ensure proper governance of the Force and the OPCC, through open, constructive debate of their respective statutory duties and the efficiency and effectiveness of the Force.</p> <p>Attendees: <u>Force:</u> CC, DCC, ACC (Operations), ACC (Communities and Partnerships), ACO (Resources), Head of Corporate Development, Head of Finance and Business Services, Force representatives as appropriate.</p> <p><u>OPCC:</u> PCC, Chief Executive, Chief Finance Officer, Head of Assurance and Statutory Duties, OPCC representatives as appropriate, Chair of the Independent Ethics and Scrutiny Board.</p> <p>Agenda: Delivery and Performance: Plan on a Page, Inspections, Audits and Reviews, People, Finance, Collaboration and Partnerships, Risks, Independent Scrutiny, Current and Significant Issues.</p> |
| <p>Assurance Conversations (one-to-ones) (At least quarterly)</p> | <p>Purpose: Individual quarterly assurance conversations between the Police and Crime Commissioner (PCC) and Chief Officers/Functional Heads (co-ordinated via the Deputy Chief Constable - DCC) to complement and enhance the Force performance management arrangements/Corporate Governance arrangements, enhance understanding of the PCC around delivery against the Force Plan-on-a-Page and Police and Crime Plan outcomes, and provide the PCC with access to information, officers and staff as required.</p> <p>Attendees: <u>Force:</u> Chief Officers/Functional Heads, Force representatives as appropriate.</p> <p><u>OPCC:</u> PCC, Chief Executive, Head of Assurance and Statutory Duties, OPCC representatives as appropriate.</p> |

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| <p style="text-align: center;">Joint Independent Audit Committee <i>(Quarterly)</i></p> | <p>Purpose: Quarterly meeting providing independent advice and recommendations to the PCC and Chief Constable on the adequacy of the governance and risk management frameworks, internal controls and financial reporting, annual governance processes and internal and external audit, thereby helping to ensure efficient and effective assurance arrangements are in place.</p> <p>Attendees: <u>Independent Members:</u> Seven Independent Members (who are also Members of the Humberside Fire and Rescue Service Governance, Audit and Scrutiny Committee).</p> <p><u>Force:</u> CC (annually), DCC, ACO (Resources), Head of Finance and Business Services, Force representatives as appropriate.</p> <p><u>OPCC:</u> PCC (annually), Chief Executive, Chief Finance Officer, OPCC representatives as appropriate.</p> |
| <p style="text-align: center;">Independent Ethics and Scrutiny Board [TO BE DEVELOPED] <i>(Quarterly)</i></p> | <p>Purpose: Quarterly meeting objectively exploring ethical issues and matters raised by the OPCC Scrutiny Groups (Policing Powers and Hate Crime) in depth and from multiple perspectives, with the purpose of generating genuine and positive organisational learning, informing police and OPCC policy and priorities, challenging things when appropriate and creating openness and transparency.</p> <p>Attendees: <u>Independent Members:</u> Independent Chair (or suitably agreed substitute) and Chairs of the OPCC Scrutiny Groups (or nominated representative).</p> <p><u>Force:</u> Assistant Chief Constable (Communities and Partnerships), Force IAG Chair, Force Ethics Lead, Forum Chair, Staff Association Representatives.</p> <p><u>OPCC:</u> Chief Executive, Diversity and Inclusion Manager, Head of Assurance and Statutory Duties, Information and Outcomes Analyst.</p> <p>Others to attend as required at the discretion of the Independent Chair.</p> <p>All to send substitutes where representatives are unavailable.</p> |
| <p style="text-align: center;">Scrutiny Groups [TO BE DEVELOPED] <i>(Quarterly)</i></p> | <p>Independent Scrutiny Groups:</p> <ul style="list-style-type: none"> • Police Powers Scrutiny Group • Hate Crime Scrutiny Group • Domestic Abuse Scrutiny Group (already in place) <p>The Police Powers and Hate Crime Scrutiny Groups consist of community volunteers (organisational representatives in the case of the Domestic Abuse Scrutiny Group). The Chair is nominated from membership of each Group and will attend and report to the Independent Ethics and Scrutiny Board.</p> |

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| Complemented By | <ul style="list-style-type: none">• Bespoke briefings from CC/Chief Officers on significant or sensitive issues.• Senior OPCC staff attending key Force meetings (e.g. Digital Innovation Board, HMICFRS Governance Board, etc.)• OPCC staff conducting further checks/audits.• Routine liaison between Senior OPCC staff and Senior Force Staff/Officers on matters including finance, estates, procurement, IT.• Feedback from Independent Custody Visitors and Appropriate Adults.• Regular meetings with public bodies and Inspectorates (e.g. HMICFRS).• Force internal assurance meetings. |
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