



## **DEVON AND CORNWALL POLICE AND CRIME PANEL**

**9<sup>th</sup> July 2021**

### **GOVERNMENT REVIEW OF THE ROLE OF POLICE AND CRIME COMMISSIONERS**

#### **The PCC Review: Background**

On 16 March 2021 the government published the recommendations of phase one of its review of Police and Crime Commissioners.

The review is being undertaken in two parts:

Part One has now been completed. It focused on immediate opportunities to strengthen the PCC 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 is scheduled to 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.

#### **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.

### **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 and (b) HMICFRS PEEL inspections of their force area.

##### **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.

##### **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.

### **Police and Crime Panels**

#### **Review recommendations:**

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

## **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.

#### **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.

#### **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.

#### **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.

#### **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.

## **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.

## **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.

## **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.

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**Contact for further information**

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Report prepared 21/06/2021