



## Police and Crime Panel

**Date** Thursday 23 June 2022  
**Time** 1.30 pm  
**Venue** Committee Room 2, County Hall, Durham

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### Business

#### Part A

**[Items during which the Press and Public are welcome to attend.  
Members of the Public can ask questions with the Chairman's  
agreement]**

1. Election of Chair
2. Election of Vice-Chair
3. Apologies for Absence
4. Substitute Members
5. Declarations of interest, if any
6. Minutes of the meeting held on 7 March 2022 (Pages 5 - 18)
7. Joint Independent Audit Committee Annual Report 2021-22 - Report of the Police and Crime Commissioner (Pages 19 - 52)
8. Media Report - Report of the Durham Police and Crime Commissioner (Pages 53 - 56)
9. Quarterly Performance Report - Report of the Police and Crime Commissioner (Pages 57 - 66)
10. PCC Decision Records - Report of the Police and Crime and Commissioner (Pages 67 - 72)
11. PCC Commissioning Update - Report of the Police and Crime and Commissioner (Pages 73 - 76)
12. HMICFRS inspections - Report of the Police and Crime Commissioner (Pages 77 - 80)

13. Home Office - White Paper Consultation 'Reforming Our Fire and Rescue Service' - Report of the Monitoring Officer and Clerk to the Police and Crime Panel (Pages 81 - 136)
14. Police and Crime Panel Annual Report 2021/22 and Work Programme 2022/23 - Report of the Monitoring Officer and Clerk to the Police and Crime Panel (Pages 137 - 154)
15. Complaints Update - Report of the Monitoring Officer and Clerk to the Police and Crime Panel (Pages 155 - 158)
16. Review of Procedure for dealing with Complaints and Conduct matters against the Police and Crime Commissioner - Report of the Monitoring Officer and Clerk to the Police and Crime Panel (Pages 159 - 212)
17. Such other business, as in the opinion of the Chair of the meeting, is of sufficient urgency to warrant consideration
18. Any resolution relating to the exclusion of the public during the discussion of items containing exempt information

## **Part B**

### **Items during which it is considered the meeting will not be open to the public (consideration of exempt or confidential information)**

19. Complaint against the Police and Crime Commissioner - Report of the Monitoring Officer and Clerk to the Police and Crime Panel (Pages 213 - 240)
20. Independent Co-opted Member Appointment - Report of the Monitoring Officer and Clerk to the Police and Crime Panel (Pages 241 - 248)
21. Such other business, as in the opinion of the Chair of the meeting, is of sufficient urgency to warrant consideration

**Helen Lynch**  
Monitoring Officer

County Hall  
Durham  
15 June 2022

To: **The Members of the Police and Crime Panel**

**Durham County Council**

Councillors D Boyes, L Hovvells, D Nicholls, J Nicholson, R Potts,  
A Savory and M Simmons

**Darlington Borough Council**

Councillors B Jones, M Renton and Wallis

**Independent Co-opted Members**

Mr R Roddis

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**DURHAM COUNTY COUNCIL**

At a Meeting of **Police and Crime Panel** held in **Committee Room 2, County Hall, Durham** on **Monday 7 March 2022** at **9.30 am**

**Present:**

**Councillor B Jones (Chair)**

**Durham County Council:**

Councillors D Boyes, D Nicholls, J Nicholson (Vice-Chair), R Potts and M Simmons

**Darlington Borough Council:**

Councillors J Dulston

**1 Apologies for Absence**

Apologies for absence were received from Councillors L Hovvels and A Savory and Mr N Cooke.

**2 Substitute Members**

There were no Substitute Members.

**3 Minutes**

The minutes of the meeting held 3 February 2022 were agreed as a correct record and signed by the Chair.

Members of the Panel noted their thanks to former Independent Panel Member, Mr D Dodwell for his service and wished him well for the future.

The Lawyer (Governance) noted a matter arising relating to a question raised at the previous meeting relating to off-road bikes.

The Chief Finance Officer noted for the 12 month period 1 February 2021 to 31 January 2022 there had been 1,742 incidents recorded relating to off-road bikes, noting that amounted to around 100-200 a month, demonstrating the scale of the issue.

He noted that he did not have the cost details of each job and added that some may have only had Police in attendance for a few minutes, while other incidents may have been investigated further.

Councillor D Nicholls noted he had raised the issue of the 101 chat function previously. He added he had recent experience of using the 'live chat' function and he had been able to chat with an operator within a minute, with Officers driving into the local area within three minutes. He added he felt that it was fantastic to be able to have such a direct line and noted he felt it was a very useful tool, having the benefit of being able to speak to several people at once. He asked as regards the service only being available between 9am and 5pm, adding he felt it was essential for situations that could occur 24 hours a day, such as domestic violence. The Chief Finance Officer noted he would look at how the service could expand, explaining that Town Centre clerks operated up until 8pm and could increase bandwidth, adding there were 8 to 12 call handlers. Councillor D Nicholls noted it was a service that should have greater awareness with the public.

In response to a question from Councillor D Boyes relating to the numbers of warnings given and bikes seized, the Chief Finance Officer noted as regards Section 59 Notices and the Police and Crime Commissioner (PCC) noted as regards a pilot which had looked at the locations and number of calls. She added that it was important that residents helped, including calls to the 101 number, and noted that data helped drive the work and with problem solving and decision making. The Chair noted a previous visit to the Control Room which had proven to be very enlightening, adding the Chief Constable had offered as regards further visits. The PCC noted the Head of Private Office had organised the development session for the Panel including a visit, she noted a date would be confirmed. Councillor D Boyes noted a previous visit by the Safer and Stronger Communities Overview and Scrutiny Committee adding it had been very useful and he welcomed any visit.

#### **4 Declarations of interest**

There were no Declarations of Interest.

#### **5 Media Report**

The Panel considered a report of the Office of the Police and Crime Commissioner (OPCC) which provided an update on press and social media coverage concerning the work of the Police and Crime Commissioner since the previous meeting (for copy of report see file of Minutes).

Councillor J Dulston asked as regard which staff were responsible for communications. The Head of Private Office noted she was overseeing that area at the moment, with recruitment to take place in the near future. In response to a question from Councillor R Potts in respect of the cost of recruiting two additional members of staff, the PCC explained that the communications roles were key, adding she worked with the public on a daily basis and explained that the roles would be expanded to look at engagement, not just press and media. The Chief Finance Officer noted the two roles would equate to around £60,000. The PCC noted the performance of the team and that they were delivering.

**Resolved:**

That the report be noted.

## **6 PCC Commissioning Report**

The Panel considered a report of the Police and Crime Commissioner which provided an update on the decisions taken at the Commissioning Board in January 2022 (for copy see file of Minutes).

The Head of Governance and Finance explained the main areas related to the Trailblazer Project, initial development of the County Durham and Darlington Modern Slavery Network, two Community Safety Champions, and funding for the Durham Youth Justice and Community Engagement Service to deliver a BTEC qualification in Teamwork and Personal Skills.

Councillor D Boyes asked as regards the two Community Safety Champions and asked if they were funded for two years or would be mainstreamed. The PCC noted it was a pilot and would be reviewed and evaluated after an initial period. She noted it was something that a lot of Local Members had been asking for, adding as regards the work with Town and Parish Councils. She noted as regards the development of Neighbourhood Watch and that arrangements were slightly different in Darlington.

Councillor D Nicholls noted that an issue in his ward, as may be the case in many areas, was the approval of Premises Licenses for sale of alcohol at ridiculous hours. He noted his dismay that the Police had not objected to and application and asked if the Community Safety Champions would work more closely with the Council around the sale of alcohol, Local Members and Town and Parish Councillors around known issues such as anti-social behaviour and underage sales.

The PCC noted she could speak to the Councillor outside of the meeting as regards any specific issues, noting the Licensing was an area that was proscribed and required evidence and information to be reported into the Police and the Council.

Councillor J Dulston asked for a brief explanation of the commissioning process if a person wished to approach the OPCC. The Head of Governance and Finance noted that in terms of the Community Safety Fund the PCC would be considering the right way forward if introduced. Councillor J Dulston asked if that would be looked at in April. The Head of Governance and Finance noted he expected it would and added that each local Neighbourhood Policing Team would have a budget of £10,000. Councillor J Dulston asked if that meant if an area contained four Teams that would equate to £40,000. The Head of Governance and Finance noted that it would be £10,000 for Darlington as that represented a main policing area, adding that Inspectors would identify what could help tackle anti-social behaviour. He added that it would involve communities and organisations, noting that such schemes were more sustainable when communities owned the issues.

The Head of Governance and Finance noted a third strand, random applications, noting there was no mechanism in respect of looking at organisations governance. He explained that grant applications were administered by the County Durham Community Foundation (CDCF), and they would also follow up and monitor projects.

Councillor J Dulston noted that it was hard for new organisations to penetrate that process. The Head of Governance and Finance noted the challenge in terms of procurement, and noted that in terms of grant giving, if there was a local organisation supporting activity that benefited the community in terms of a need, then that could be looked at in terms of larger scale or mainstreaming. He noted work in other areas, including North Yorkshire and as regards identifying potential service providers, including smaller organisations. He noted there would be social value included and the OPCC were keen to demystify the process for smaller organisations.

The PCC noted 12 area-based problem solving groups to deliver the Police and Crime Plan and noted that new organisations would inform her of how they would deliver the plan, not what they would like to do, rather how they would meet and reflect the priorities within the plan.

**Resolved:**

That the report be noted.

## 7 PCC Decision Records

The Panel considered a report of the Police and Crime Commissioner which provided an update on the Police and Crime Commissioner's Decision Register for 2021-22 and addressed the forward plan (for copy see file of Minutes).

### **Resolved:**

That the report be noted.

## 8 HMICFRS publications

The Panel considered a report of the Police and Crime Commissioner which outlined the findings of the recent report by HM Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) that had required a PCC comment, listed below:

- Terms of reference: Inspection of the police's handling of serious youth violence.
- Policing inspection programme and framework commencing April 2022: For consultation.
- Responses to 'Safe to Share? Report on Liberty and Southall Black Sisters' supercomplaint on policing and immigration status'.

Councillor R Potts asked if the 'safe to share' referred to when non-registered immigrants reported crime, that there was an obligation in terms of reporting their non-registered status. The Policy and Commissioning Officer noted that was correct, with the Head of Private Office adding it was often seen as a barrier. The Policy and Commissioning Officer noted section 4.3 of the report set out the operational response.

The Policy and Commissioning Officer noted that in respect of the Independent Inquiry into Child Sexual Abuse (IICSA), the Deputy Chief Constable would review the recommendations within the report and provide a further update to the OPCC. Councillor R Potts noted that the IICSA was hard reading and was surprised that it would be another month. He referred to former Officers and recording of incidents. The Chair noted not to stray into operational matters, the Lawyer (Governance) noted that the role of the Panel was to hold the PCC to account, with the PCC to hold the Chief Constable to account. Councillor R Potts reiterated his concern in leaving the issue for another month, adding he did not feel it was appropriate, given the role of DCC Members as corporate parents.

The PCC noted that while the report was historical, there was no waiting in relation to constant review and improvement. She noted the Force was being given the time to pull together their response, however, if any issues were critical or urgent, they would be addressed. Councillor R Potts noted that the last time the Police had looked at issues and explained his concerns as regards no one being held to account. He noted the current Deputy Chief Constable was looking at the last and asked why it was not being looked at independently. The PCC noted the recruitment of the new Assistant Chief Constable, an Officer who had specialised in safeguarding. Councillor R Potts reiterated that no one was being held accountable, noting the HMICFRS had noted issues, the IICSA had noted issues, with some incidents noted being crimed properly. He added it was not outstanding for children and he felt those previously responsible needed holding to account.

Councillor D Boyes noted the terms of reference, inspection of the police's handling of serious youth violence and asked who the partners were and who would lead. The Policy and Commissioning Officer noted that the report directly quoted the HMICFRS. The PCC noted that in any inspection Durham was different to North Yorkshire or Cumbria. She noted that Durham did not have a Violence Reduction Unit, not having the funding, with Northumbria Police having a funded Violence Reduction Unit. She added that therefore for Durham it would be based upon the structures in Durham and Darlington, with partners to include those such as the Youth Justice Service. Councillor D Boyes asked how far it would drill down in terms of organisations, noting that the Safer and Stronger Overview and Scrutiny Committee had previously noted that the Youth Justice Service were excellent in keeping young people out of the youth justice system. He asked if the Committee, and its equivalent at Darlington, would be able to ask questions. The Policy and Commissioning Officer noted the process in terms of responses, Councillor D Boyes noted that for a fuller report there needed to be conflicting views from other organisations, not just established partners.

The Policy and Commissioning Officer noted Section 5 of the report also contained a breakdown of the grading allocated to each force under the pre and post PEEL grading systems. He added only five forces had been graded under the new system, though Greater Manchester Police had been recently graded, with a 9 question inspection.

Councillor D Boyes noted he appreciated that the grading criteria had changed, however, he still felt that Durham had been downgraded from 'outstanding' to 'good'. He asked as regards Greater Manchester Police. The Policy and Commissioning Officer noted it had remained at an overall 'requires improvement', adding that its highest grading was Durham's lowest. Councillor D Boyes reiterated he felt Durham had downgraded from 'outstanding' to 'good', adding West Yorkshire had improved from 'good' to 'outstanding'.

The Policy and Commissioning Officer noted he could not comment on West Yorkshire, however, he noted that the OPCC were learning from other PEEL inspections and noted that any perception of a 'downgrade' for Durham was not reality, with the grading not being mentioned as a downgrade by the HMICFRS. The PCC noted that Durham had rated outstanding in two areas, disrupting organised crime and good use of resources, and reminded the Panel that previously there had only been three areas that were graded, now ten. She explained that of the ten, two were outstanding, seven were good and with one being adequate. She noted that was in the context of having lost Officers and explained that in respect of the adequate grading for supporting victims, there was investment in that area. She added the question was how to get all areas as outstanding and noted that the Victims' Champion would look at all HMICFRS inspections and learn from all force areas to improve. Councillor D Boyes noted it was good to note that best practice would be looked at and reiterated that while there had been different grades, the Panel would wish for Durham to be 'outstanding', as it had been previously. He noted that Durham had previously been 'Constabulary of the Year' four years running, adding he felt that was when there had been a focus on neighbourhood policing.

The Chief Finance Officer noted there had been some internal debate and explained all wanted the best for Durham. He added that the Force continually reviewed evidence and explained that following the seven recommendations, there had already been improvement in six areas. He noted the Force Management Statement articulated clearly demands and service delivery and was being updated. He noted as regards the efficient use of the Force's assets.

Councillor J Dulston noted he had similar thoughts to that of Councillor D Boyes, in terms of the data suggesting that Durham had declined. The PCC noted that if one was looking at an 'apples to apples' comparison, Durham was 'top of the tree', adding West Yorkshire had less 'outstanding and good' grades than Durham. She added the challenge was obtaining outstanding in all areas, in terms of the cost and personnel required to deliver that. She noted that best practice would be looked at in terms of other Force areas.

Councillor D Nicholls noted he was impressed with the report and noted that when looking at best practice, some forces, such as Greater Manchester Police and the Metropolitan Police, may not be good comparisons, given their different demographics and the different issues they faced. He noted the 'outstanding' grading in relation to value for money was excellent and supported looking at areas of best practice. He noted the work in relation to smart water in tackling domestic violence and added that people locally wanted the best and he felt that Durham was very good.

## **Resolved:**

That the report be noted.

## **9 Revenue and Capital Budgets**

The Panel considered a report of the Office of the Police and Crime Commissioner which presented the revenue and capital budgets for 2022/23 (for copy of report see file of Minutes).

The Chief Finance Officer updated the Panel since the consideration of the precept, noting increases in Police Officers and Police Community Support Officers (PCSOs), with 30 Police Officers starting in March, with a further 32 in June. He noted the training process, with 18 weeks in the classroom, 12 weeks working alongside another Constable, then the Officer being able to patrol independently. He explained as regards work in terms of recruiting more Detectives and added as regards PCSO recruitment, with 15-20 to start in April. He added as regards 8-10 additional call handlers and new switchboard technology to improve performance. The Panel learned as regards new body-worn devices, of a higher quality, and 60 new vehicles, noting a usual turnaround of 60-80 vehicles per year. The Chief Finance Officer noted challenges in terms of inflation, fuel prices, insurance increases, increasing energy bills, and increased demand especially in areas such as fraud. He explained that recruitment was a challenge, adding that colleagues in other areas of the public sector were experiencing similar issues.

The Chair asked as regards the benefits of recruiting those with a degree. The Chief Finance Officer noted that if an Officer required it, the Force would put them through a degree course, adding that there were increasing demands on Officers in areas such as safeguarding and cyber. He noted the national review, to which Durham had responded, and added it was too early to say in terms of benefits. The Chair noted that he felt a degree in 'common sense' was important. The Chief Finance Officer noted that qualities that were important included work ethic, communication skills, resilience and de-escalating skills.

Councillor D Boyes noted he welcomed the additional Officers adding they would go a long way in respect of public confidence, especially following the two years of the pandemic. The Chief Finance Officer noted that in terms of visibility, new shift patterns would mean there would be more Officers on 'nightshift' than before.

Councillor R Potts noted moving from £101 million in 2022/21 to £106 million for 2022/23 and asked if there would only be £2 million from Government in the next few years up to 2024/25. The Chief Finance Officer noted that was correct. Councillor R Potts noted page 33 of the agenda pack gave estimates in terms of total reserves and noted the Band D increase of £10 in terms of the precept. He noted a 36 percent increase in the last 4-5 years, with 4 percent for the next 2 years. The Chief Finance Officer noted the increase the PCC had introduced for this year, to be looked at in future years in terms of wanting to maintain or improve services. Councillor R Potts noted that Town and Parish Councils had not increased their precepts by the maximum amounts and noted that page 34 of the agenda pack referred to cost control which he felt was more important than ever, given the loss of 400 Police Officers since 'austerity'. He added that in April 2000 there had been six custody suites, 590 civilian staff and offices had been open longer hours, with around 11 percent of calls being abandoned. Councillor R Potts added that there were now only three custody suites and around 1,261 civilian staff, an increase of 671 since 2000, noting people wanted more Police on the ground, not more civilian staff.

The Chief Finance Officer noted that in 2009 there had been around 1,200 civilian staff, noting around 200 were lost in 2010. He noted that in terms of Officers lost, some roles had become civilian roles and explained that the number of control rooms had gone from six to one, without a reduction in staff. He added that there were 100 Criminal Justice Unit workers, adding it was more efficient to have civilian staff in those roles, noting Durham had an above average intelligence section. The Chief Finance Officer noted Durham had 146 PCSOs, if average the figure would have been around 90. He added that in terms of cost control, procurement were constantly looking for the best deals, however that was becoming increasingly more difficult. He added other areas being looked at included income generation and helping to reduce sickness absence, including in areas such as mental health. He added that there was a balance in terms of pushing the Force forwards in terms of improvements and also investing in senior leadership.

Councillor R Potts noted that HMICFRS had not been complimentary in recent inspections. The PCC reiterated the HMICFRS had noted two areas as being 'outstanding', namely value for money and tackling organised crime. Councillor R Potts noted that one was four times more likely to be a repeat victim of domestic violence in Durham and the HMICFRS had also noted that issues relating to CSE had not been dealt with very well.

In response to a question from Councillor J Dulston relating to Neighbourhood Policing and the increasing of the executive team, the Chief Finance Officer noted that he did not feel that Neighbourhood Policing was not 'on its knees' and noted the Chief of Staff role focussed on policing, while his role focussed on finance and the estate.

Councillor J Dulston noted the results from inspection and asked how that warranted non-uniform positions, adding he felt Chief Finance Officer was doing a great job. The Chief Finance Officer noted he was not part of recruitment process, adding he felt the Chief Constable wanted people who understood the roles and had focus. Councillor J Dulston asked if the Force was against direct entry to Inspector roles. The Chief Finance Officer noted there were 11 Superintendent positions and noted the risk of bringing in new, non-police, to such a role, with one out of eleven representing nine percent. He noted that the Force's Chief Inspectors were excellent, worthy of promotion.

Councillor D Nicholls noted he had been 4 years old in 2000 and noted there had been many changes since that time and therefore one should be careful in making comparisons. He noted that the nature of crime had changed, noting the rise of cybercrime, and added that therefore it was important to understand not just the numbers but how residents were affected, noting fraud as an example when demand was increasing. He noted that one would not see those Officers working on such cases, and added that in cases relating to CSE, a lot of the work related to online and computers, another area where you would not see Officers directly on the street. Councillor D Boyes accepted the comments from Councillor D Nicholls, however, he reminded the Panel that it was incumbent on the Panel to challenge the PCC. He noted he welcomed the additional Officers, adding it was also good to have well qualified Officers. He added that he would give credit where it was due, but noted the challenges faced, notwithstanding budget cuts. Councillor D Nicholls noted as regards a visit to see the civilian side of policing, with the Chief Finance Officer noting an invite to visit the Meadowfield Training Centre to speak to staff and see the technology. The Lawyer (Governance) noted that session had been planned pre-COVID and added that post-May, a session for the full Panel could be arranged. Councillor D Nicholls noted he felt that would be useful.

**Resolved:**

That the report be noted.

**10 Neighbourhood Problem Solving Approach**

The Panel considered a report of the Office of the Police and Crime Commissioner which set out her Neighbourhood Problem Solving Approach (for copy of report see file of Minutes).

The PCC noted prior to Unitary Local Government for Durham, there had been one Neighbourhood Watch per district, paid for by the Local Authorities, noting she had been in that role at Sedgefield Borough Council.

She explained as regards local problem-solving approach to be developed through the employment and deployment of Community Safety Champions in 2022/23 and 2023/24 noting the Champions would help in delivering the Police and Crime Plan, noting area-based problem solving groups, working with businesses, and encouraging communities in activities such as community speedwatch. The PCC noted two pilot areas had been identified, one in the south of the area, one in the east. She concluded by noting there would be six areas established in Durham, one in Darlington, with evaluation to be carried out and further information brought back to the Panel.

**Resolved:**

That the report be noted.

## **11 Appointment of Victim Champions**

The Panel considered a report of the Office of the Police and Crime Commissioner relating to the appointment of Victim Champions (for copy of report see file of Minutes).

The Head of Private Office explained as regards the recent appointments of the three Victim Champions in the Durham OPCC, namely a Victims' Champion, a Domestic Abuse Victims' Voice Worker and an Anti-Social Behaviour Champion and provided an overview of their main roles, responsibilities, and priority areas of work.

Councillor R Potts noted he had concerns as regards the recruitment process, noting the Anti-Social Behaviour Champion had been interviewed by a panel including the PCC and executive officers, including the Deputy PCC, and was a Labour appointment who had helped the PCC during her election campaign. He added he did not feel it was right that the PCC sat on the interview panel and noted his concern as regards the PCC being involved in the process, stating he felt the PCC should have stepped away.

The PCC noted she had explained previously as regards the appointment of the Deputy PCC and legislation, she gave the example of the PM, Boris Johnson choosing his appointments, and reiterated it had been within her gift as regards the Deputy PCC appointment. She added that if one looked at other PCCs, the majority appointed without interview, including Conservative PCCs. She noted she was very happy with the Deputy PCC, adding he had worked as regards her campaign, reiterating previous comments that she had only two years to deliver the Police and Crime Plan. The PCC noted that, as regards the Anti-Social Behaviour Champion position, she had been involved in community safety for over 30 years, having been a Head of Community Safety and also her work at the Fire Authority.

She explained she did know the Anti-Social Behaviour Champion, a former County Councillor, who had lost her seat at the election. The PCC added that did not disbar the Anti-Social Behaviour Champion and added that the Anti-Social Behaviour Champion had a lot of experience in youth work and community safety, had been the rural champion and had a role in Overview and Scrutiny while at DCC, and was currently delivering on the Plan.

The PCC noted that all three champions were passionate and helping to deliver the Plan. She noted page 12 of the Plan referred to anti-social behaviour and page 20 of the Plan referred to victims of crime and anti-social behaviour. She added that she felt around a third of the Plan reflected actions for the Champions and added she was very satisfied with the appointments, noting the OPCC gave assurance the appointments had been proper.

The Head of Governance and Finance noted the process had been very standard, with a job advertised, application received followed by a sifting process relating to criteria, followed by short-listing and then interviews. He explained that had involved himself, the PCC and the Service Lead, with five questions that were then scored, then following process to select the candidate that best met the criteria and role. He noted that was then reported to the Chief Executive Officer as part of the OPCC. The Lawyer (Governance) noted as regards discussions relating to individuals within the public part of the meeting.

Councillor R Potts noted as regards recruitment and noted that of four posts that had been reported, two had been to Labour Party members. The PCC noted that one had had to be a Labour Party Member. Councillor R Potts noted it had not been required to be a Labour Party Member. The PCC challenged that, adding it was a political appointment. Councillor R Potts noted there were many PCCs that had independent Deputies, the PCC noted that the majority did not. The Head of Private Office noted that all OPCC posts were politically restricted posts. Councillor R Potts noted he had no issue with the Anti-Social Behaviour Champion, rather the role and impartiality of the PCC in terms of appointments. The PCC noted that anti-social behaviour had been identified by residents as the top priority and noted she had managed the largest street warden team in the past and understood the importance of the Anti-Social Behaviour Champion post. She noted that give the importance of the post she wanted to be happy and satisfied with the appointment, adding that she was.

Councillor D Boyes noted he was familiar with two of the Champions and asked and noted he was happy with appointments, although he was not familiar with the Domestic Abuse Victims' Voice Worker.

He noted that the Deputy PCC would answer to the PCC and the three Champions would report to the OPCC Chief Executive Officer. He noted he would not wish for any duplication of work.

The PCC noted all three Champions regularly reported to the Chief Executive Officer and PCC, adding there was a clear plan in terms of what, who and when in terms of delivering the Plan, and the Chief Executive Officer and PCC would hold them to account. She added that they would bring the voice of victim forward and noted that very much, victims were at the heart of everything. She noted the National Victims' Commissioner had encouraged the appointment of such Champions, with Durham being one of three PCCs so far in the country to do so, adding she felt more would follow suit. She reiterated that the Champions would help deliver the Police and Crime Plan.

Councillor D Boyes asked as regards how success would be measured, for example in terms of the levels of anti-social behaviour or domestic violence and asked if there were improvement would the Champions be mainstreamed or if issues deteriorated would they be escalated. The PCC noted the Local Authorities and the Police were responsible in terms of tackling anti-social behaviour and noted that looking at reporting from the public, there were few reports and therefore it was preferable for an increase in reporting to get a true picture of the issues, to then be able to allocate resources efficiently to deliver on a local level. She noted as regards holding partners to account and her support of community trigger, adding that more information would be coming from the Home Office as regards anti-social behaviour. The Chair asked if it would be possible for the Panel to meet the Champions at a future meeting, the PCC noted it would.

Councillor J Dulston noted that accountability meetings were good, with more being better in terms of the PCC holding the Chief Constable to account. The PCC noted those were public-facing meetings, however, there were other internal meetings where she would provide challenge, with weekly focussed meetings. She added that when looking at issues such as domestic violence, then it would include partners who helped to deliver operationally. She noted accountability meetings that had been held looking at issues such as custody suites, off-road bikes and domestic violence, including violence against women and girls. Councillor D Nicholls noted he welcomed the appointment of the new Assistant Chief Constable, noting her background in tackling domestic violence and violence against women and girls. He added that the appointment showed that the Force took the issue seriously. He noted the National Victims' Commissioner asking for PCCs to tackle the issue, adding Durham as being one of three areas to appoint such a Champion nationally.

**Resolved:**

That the report be noted.

**12 Complaints Update**

The Panel considered a report of the Monitoring Officer and Clerk to the Police and Crime Panel which provided an update on complaints relating to the Police and Crime Commissioner or the Deputy Police and Crime Commissioner (for copy see file of Minutes). It was noted that between 27 January 2022 and 24 February 2022 there have been no formal complaints received in accordance with the procedure.

**Resolved:**

That the report be noted.

**13 Exclusion of the Public**

**Resolved:**

That the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information under paragraphs 1 and 2 of Part 1 of Schedule 12A to the Local Government Act 1972.

**14 Independent Co-opted Member Appointment**

The Panel considered a report of the Monitoring Officer and Clerk to the Police and Crime Panel regarding the appointment of an independent co-opted Member (for copy see file of Minutes).

*Councillor D Nicholls left the meeting at 11.39am*

**Resolved:**

- a) That the process undertaken be noted;
- b) That the proposed appointment of Robbie Roddis (subject to satisfactory references) as an independent co-opted Member to take effect from 1 May 2022 with a term of office until 30 April 2026 be agreed;
- c) To delegate authority to the Clerk in consultation with Appointments Panel to take up references and confirm that they are satisfactory.

**Police and Crime Panel**

**23<sup>rd</sup> June 2022**

**Joint Independent Audit Committee  
Annual Report 2021-22**

**Report of the Police and Crime and Commissioner**



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**Purpose**

1. To share the Joint Independent Audit Committee Annual Report 2021-22 with Panel Members.

**Background**

2. The Annual Audit Report is designed to enable the reader to form a view about the effectiveness of the Committee's activities during the year and its oversight of the Assurance and Risk Management Frameworks within which the Durham Police and Crime Commissioner and Constabulary's Chief Constable operates.
3. The Chartered Institute of Public Finance and Accountancy (CIPFA) recommends that Audit Committees report on their work and assess their performance.
4. The Joint Independent Audit Committee is an independent body which checks both Durham Constabulary and the PCC of Durham are following national and local regulations, handling public finances in accordance with the law and not taking undue risk.
5. The Committee is accountable to the PCC and the Chief Constable.
6. CIPFA's Practical Guidance for Local Authorities and Police Audit Committees sets the criteria for this accountability which forms the basis of this report (page 6 of Annual Report).

**Content of Annual Report**

7. The report details the Committee's aims and objectives and contains a diagram describing where it fits within the Durham PCC Accountability Framework (page 3 of the Annual Report).
8. The Committee membership comprises elected members of Durham County Council and Darlington Borough Council and independent members with a wide range of

skillsets and experience. The meetings are attended by the OPCC and Constabulary's internal auditors and external auditors

9. The members are paid an attendance allowance and records are maintained of their meeting attendance (in person or virtual).
10. The work of the Committee in 2021/22 and the range of reports it received are shared within the report. The Committee consider reports from officers and staff of the PCC or Constabulary, from internal and external auditors and request reports as felt necessary.
11. The Annual Report is reflective and asks a series of questions which are answered in the detail of the report:
  - Has the Committee fulfilled its terms of reference?
  - Has the Committee adopted recommended practice?
  - Has the Committee assessed its own effectiveness or been the subject of a review?
  - Have the development needs of Committee members been assessed and are they accessing briefing and training opportunities?
  - What impact has the Committee had on the improvement of governance, risk and control?
12. The Chair's conclusions are covered on page 10 of the Annual report.

### **Recommendation**

13. To consider the report and provide any comments or questions.

**Charles Oakley**  
Head of Governance & Finance

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**Appendix 1: Risks and Implications**

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**Finance**

n/a

**Staffing**

n/a

**Equality and Diversity**

n/a

**Accommodation**

n/a

**Crime and Disorder**

n/a

**Children's Act 2004**

n/a

**Stakeholder/Community Engagement**

n/a

**Environment**

n/a

**Collaboration and Partnerships**

n/a

**Value for Money and Productivity**

n/a

**Potential Impact on Police and Crime Plan Priorities**

n/a

**Commissioning**

n/a

**Other risks**

n/a

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<b>Job Title:</b>	<b>Head of Governance &amp; Finance</b>
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Joint Independent Audit Committee  
Annual Report 2021/22



# To the Police and Crime Commissioner and the Chief Constable of Durham Constabulary

## Joint Independent Audit Committee Annual Report 2021/22

### Introduction

This is the annual report of the Joint Independent Audit Committee (JIAC) and covers the financial year 2021/22.

The Committee wish to welcome the new Police and Crime Commissioner (PCC) Mrs Joy Allen, who was successfully elected on 6<sup>th</sup> May 2021 to this position. The PCC attended the JIAC meeting on 22<sup>nd</sup> June 2021.

The report has been developed to enable the reader to form a view about the effectiveness of the Committee's activities during the year and its oversight of the Assurance and Risk Management Frameworks within which County Durham and Darlington's Police and Crime Commissioner and Durham Constabulary's Chief Constable (CC) operates.

The Chartered Institute of Public Finance and Accountancy (CIPFA) recommends that Audit Committees report on their work and assess their performance.

All audit Committees are non-executive bodies whose role is to make recommendations rather than to decide policies directly. The impact of the Committee is through influence and persuasion rather than direct decision making. The Committee's effectiveness does not depend on the delegation of powers. Police audit Committees in England and Wales can never be delegated decision-making or approval powers by the PCC or the chief constable.<sup>1</sup>

The coronavirus pandemic brought disruption to people and businesses globally and this Joint Independent Audit Committee have remained dedicated and have adapted to modern methods of working throughout this time.

### Background

The Joint Independent Audit Committee is an independent body which checks both Durham Constabulary and the PCC of Durham are following national and local regulations, handling public finances in accordance with the law and not taking undue risk.

It operates as a single Committee, providing assurance jointly both to the PCC and Chief Constable of County Durham and Darlington. It operates to a set of terms and reference reviewed annually.

The JIAC for County Durham and Darlington was established in April 2013.

### Aims and Objectives

The primary aim of the Joint Independent Audit Committee is to support the achievement of the Police and Crime Plan by enhancing public trust and confidence in the governance of Durham Constabulary.

- The JIAC help improve the overall governance arrangements across the Police and Crime Commissioners Office and Durham Constabulary according to good governance principles

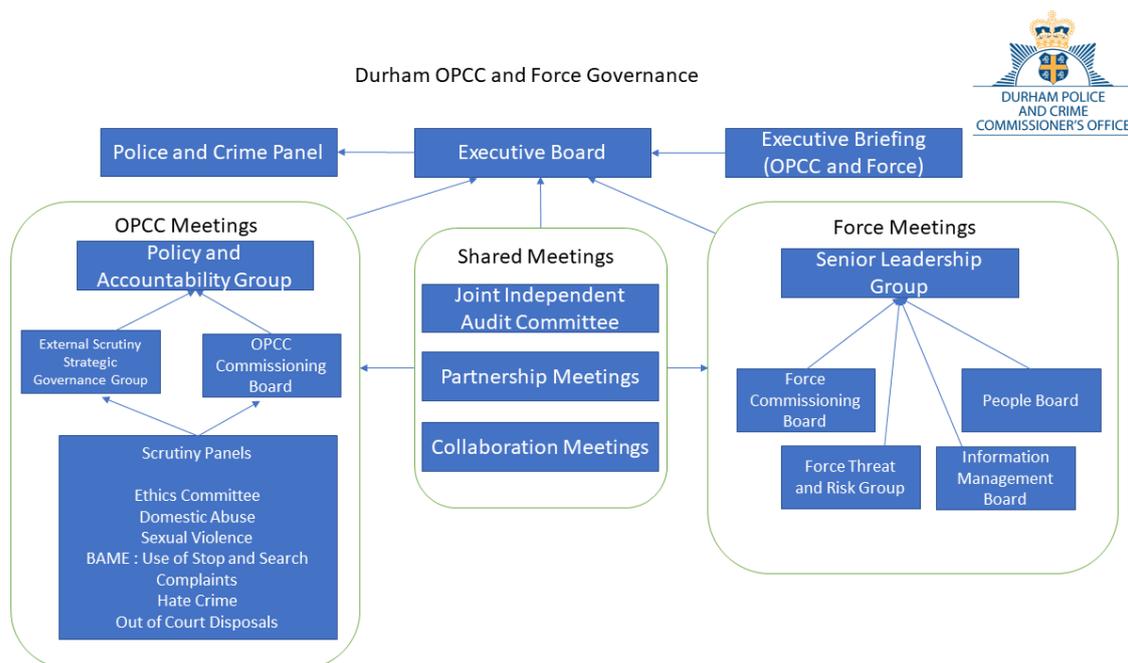
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<sup>1</sup> The Chartered Institute of Public Finance and Accountancy/audit committees  
Practical Guidance for Local Authorities and Police  
2018 Edition

and, in particular, provide assurance to the PCC and the CC on the effectiveness of the framework in place for ensuring compliance with statutory requirements.

- The JIAC help improve the adequacy and effectiveness of risk management framework and internal control environment in place across the Police and Crime Commissioners Office and Durham Constabulary by seeking reliable assurance from whoever is best placed to provide it and ensuring appropriate and timely action is taken to address any weaknesses identified.
- The JIAC help improve the financial integrity of financial planning and reporting, and the achievement of Value for Money (VfM), in the Police and Crime Commissioners Office, Durham Constabulary and partner organisations.
- The JIAC review and monitor treasury management arrangements in accordance with Treasury Management in the Public Services: Code of Practice and Cross-Sectoral Guidance Notes (CIPFA, 2017)

The diagram below shows the PCC's relationship with the Chief Constable, how the PCC is ultimately responsible to the public, and the additional scrutiny mechanisms which are in place in Durham.



Durham PCC Accountability Framework (taken from Durham PCC website)

## Membership of the Committee and Attendance Record

The Committee members come from a range of backgrounds with a wide skillset.

The Committee is composed of the following members Mr Eddie Bell (Chair), Mr Mac Williams (Vice-Chair), Mrs Jenny Flynn, Mr Stephen Gowland, Dr Stuart Green, Mrs Diane Murphy, Mr Derek Shingleton, Dr Richard Scothon, Councillor Heather Scott nominated by Darlington Borough Council and Councillor Alex Watson nominated by Durham County Council. Mrs Diane Murphy resigned from the Committee in March 2022 due to full time working commitments. Chair commended Mrs Murphy for her valuable contribution during her service.

Membership	No. of meetings held	No. of meetings attended	% of meetings attended
Mr Eddie Bell (Chair)	8	8	100
Mr Mac Williams (Vice Chair)	8	6	75
Mrs Jenny Flynn	8	6	75
Mr Stephen Gowland (22/06/2021)	6	3	50
Dr Stuart Green	8	7	88
Mrs Diane Murphy	7	3	43
Dr Richard Scothon (22/06/2021)	7	6	86
Councillor Heather Scott	8	8	100
Mr Derek Shingleton	8	8	100
Councillor Alex Watson (20/7/2021)	6	5	84

*Table: Members' attendance in 2021/22*

Members are paid for their time. The remuneration rates for the financial year 2021/22 were: £112.75 for up to a 4-hour period, £164.00 between 4- & 6-hour period, £215.25 more than a 6-hour period. (Please note that following advice from Her Majesty's Revenue and Customs (HMRC) all payments are subject to Pay as You Earn deduction. There is a policy in place which is reviewed annually, and members are reimbursed accordingly after each meeting. At the meeting held on 22<sup>nd</sup> March 2022 all members agreed not to accept the proposed pay award.

## Meetings 2021/22

The Committee met formally on eight occasions during 2021/22.

Date	Place	Time	Meeting
27/04/2021	Virtual Meeting	09:30 am	JAC Training Day
22/06/2021	Virtual Meeting	12:00 pm	Joint Independent Audit
20/07/2021	Virtual Meeting	10:30 am	Joint Independent Audit
02/09/2021	Virtual Meeting	10:30 am	Joint Independent Audit
19/10/2021	Virtual Meeting	10:30 am	Joint Independent Audit
07/12/2021	Virtual Meeting	10:30 am	Joint Independent Audit
18/01/2022	Virtual Meeting	10:30 am	Joint Independent Audit
22/03/2022	Virtual Meeting	10:00 am	Joint Independent Audit

*Table: Meetings held 2021/22*

Eight committee member attended a webinar training session on 18<sup>th</sup> November specifically for police audit committee members, presented by Diana Melville and Alison Dewhurst from the Chartered Institute of Public Finance and Accountancy.

One declaration of interest was recorded during the financial year 2021/2022 which was in relation the Joint Chief Finance Officer role discussed at the JIAC meeting held on 22<sup>nd</sup> June 2021.

The JIAC meetings are also attended by the PCC's Chief Executive (as Monitoring Officer), the Joint Chief Finance Officer, Internal and External Auditors. Other officers attend in accordance with reporting requirements.

The Joint Independent Audit Committee Annual Report for 2020/21 was presented on 8<sup>th</sup> July 2021 at a virtual Executive Board to the Police and Crime Commissioner and the Chief Constable. The PCC and Chief Constable of Durham Constabulary welcomed this extra layer of assurance and accountability provided by this Committee.

### [The Work of the Committee in 2021/22](#)

The Committee consider reports from officers and staff of the PCC or CC, and reports from internal and external auditors and request reports as felt necessary.

Training was given at the meeting held on 27<sup>th</sup> April from Internal Audit, External Audit, Professional Standards and Legal Services. Presentations on Durham Constabulary's control room and digital data and technology were shared with the Committee members.

A full list of reports and presentations reviewed/requested by the JIAC in 2021/22:

- Allowance Review of Joint Independent Audit Members Expenses
- Annual Report 2020/21 (JIAC)
- Budget Outturn 2020/21
- Budget Monitoring
- Chartered Institute of Public Finance and Accountancy (CIPFA) Financial Management Code (seminar 18<sup>th</sup> November 2021)
- Code of Corporate Governance Framework Refresh
- Collaboration Updates
- Commissioning Updates
- Compliance with CIPFA Financial Management Code
- Covid-19 Service Impact and Reflection
- Custody/Investigative Hub Updates
- Durham Constabulary - Control Room Presentation
- Durham Constabulary - Digital Data and Technology (DDAT) Leadership Presentation
- Durham Constabulary - Estates Action Plan
- Durham Constabulary – Red Sigma Update
- Evaluation of Complaints Resolution Team
- External Audit Progress Report
- Finance - Short term investments and short-term borrowings (including training)
- Fraud and Corruption Annual Report 2020/21
- Gift & Hospitality Registers CC & PCC
- Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) Inspection Plans & Efficiency Review Process
- Independent Review of Local Authority Financial Reporting and Audit (Redmond Review)
- Internal Audit - Annual Governance Statements & Action Plans
- Internal Audit - Annual Fraud and Corruption Report
- Internal Audit - Progress Report

- Internal Audit - Annual Internal Audit Opinion Report 2021/22
- Internal Audit - Annual Review of the System of Internal Audit 2021
- Internal Audit - Internal Audit Plan 2022/23
- Internal Audit - Internal Audit Charter
- Internal Audit – Ethical Culture – PDR culture
- PCC Decision Records 2021
- PCC Staffing Update
- Police and Crime Plan
- Police Officer Uplift
- Professional Standards & Legal Services Updates
- Rape Scrutiny
- Redmond Review
- Register of Interests
- Review of Joint Chief Finance Officer Role
- Risk Registers & Plan on a Page for Chief Constable and PCC
- Self-Assessment on Effectiveness of the Committee and Members (JIAC)
- Terms of Reference Review (Joint Independent Audit)
- Treasury Management Reports (including training)

The JIAC questions and challenges the staff on the reports it receives and any other matters arising. It aims to add value to the work of the PCC and CC by posing these questions in a constructive manner. Where follow up action is agreed as necessary, this is noted in a forward plan/action log and added to the appropriate meeting.

The Committee is accountable to the PCC and the Chief Constable. CIPFA’s Practical Guidance for Local Authorities and Police Audit Committees sets the criteria for this accountability which forms the basis of this report.

The criteria is as follow:



**Has the Committee fulfilled its terms of reference?**

The Committee's terms of reference were reviewed. Details can be found on the PCC website.

The specific objectives of the Committee during 2021/22 was to oversee the following arrangements:

- Internal Control Environment
- Risk Management
- Internal Audit
- External Audit
- Financial Reporting
- Inspection and Review
- Regulatory Framework



The Committee has met its requirements through the year. A total of 68 reports were considered the details of which are provided in Appendix 1. The key activities are summarised below:

- **Internal Control Environment** - The Committee-maintained oversight of the preparation of Annual Governance Statements for the PCC and Chief Constable, which are consistent with the principles of the CIPFA/SOLACE Framework: Delivering Good Governance in Local Government. The Annual Governance Statements were considered by the Committee prior to their final production. The Committee also considered the robustness of the internal control environment through reports from both internal and external audit.
- **Risk Management** - The risk registers presented throughout 2021/22 focused on the most strategic risks.
- **Internal Audit** - Internal Audit activities were reviewed with updates on agreed plans, performance of the internal audit team and significant findings from those audits with a "limited" opinion being considered. The internal audit findings considered by the Committee continue to be wide ranging.

In addition, updates on internal audit's compliance against the Public Sector Internal Audit Standards (PSIAS) have also been deliberated. The PSIAS require that an annual review of the effectiveness of Internal Audit is carried out, with an external assessment every five years.

In February 2022 an external quality assessment (EQA) for Internal Audit was carried out by CIPFA. In March 2022, the final report was received which confirmed that Durham County Councils Internal Audit department are fully PSIAS compliant.

In March 2022, the Committee endorsed the Internal Audit Strategy and Audit Charter and the Work Programme for 2022/23.

- **External Audit** – External audit activity throughout 2022/23 has been limited due to staffing issues. The Chair and members raised concerns on the performance of external audit against their pre-defined Key Performance Indicators.
- **Financial Reporting** – Statements of Accounts were reviewed prior to their final production in addition to the Committee considering the related external auditor’s report. Members reviewed the HMICFRS value for money outcomes that are published annually.
- **Inspection and Review** – Regular updates from HMICFRS inspections were considered, which include details of recommendations or improvement actions and grading’s awarded for each inspection. Where relevant, the Committee asked for additional information and updates to be provided.
- **Regulatory Framework** - Specific aspects of the regulatory framework, such a review of Accounting Policies, Treasury Management Strategy, Anti-Fraud and Corruption arrangements etc. have taken place during the year. The annual effectiveness review of anti-fraud and corruption arrangements included an update on internal investigations undertaken by the Professional Standards Department, providing oversight on matters of conduct and behaviour. The Committee has maintained an overview in respect of financial regulations and contract standing orders through the assurance work provided by internal audit during the year on key financial systems.

**Has the Committee adopted recommended practice?**

As part of its annual review, the Committee reviewed its performance against good practices identified by CIPFA. The review shows the Committee is following good practice in the way it operates. (Appendix 2).

**Has the Committee assessed its own effectiveness or been the subject of a review?**

The Committee considered and accepted the benefit of undertaking a further self-assessment against the CIPFA requirements during 2021/22. This will determine whether any further training is required for new and existing members.

The Committee has assessed its own effectiveness based on CIPFA guidance (Appendix 3).

**Have the development needs of Committee members been assessed and are they accessing briefing and training opportunities?**

The Chair has a forward planning mechanism and holds regular pre meetings with the Chief Executive and Joint Chief Finance Officer. The forward plan is updated at these meetings, and this informs the agenda of upcoming meetings.

JIAC members received training and development in their roles and an induction seminar took place for new and existing Committee members on 27<sup>th</sup> April 2021.

The outcomes outlined from the training day was the members felt they would benefit from refresher training *in arrangements for the appointment of External Audit, Risk Management (including sight of the policy and strategy), and the overview of the governance structures of the PCC office and Durham Constabulary (decision making processes, knowledge of the organisational objectives and major function of the organisations). Also new members requested training on the Audit Committees role and functions, counter fraud, the seven principles of public live, and members felt that they understood*

*the reports but clearer communication mechanisms need to be in place so members of the public understand, and they should be less use of acronyms and a wider use of plain English.* These topics are on the agenda for the training day to be held 10<sup>th</sup> May 2022.

**What impact has the Committee had on the improvement of governance, risk and control?**

A wide range of issues were considered by the Committee during the year, providing independent scrutiny of the PCC and the Chief Constable. The Committee has made an impact on the governance of both organisations as demonstrated in the following examples.

- The Committee has identified areas where briefings and training were required to fulfil its role. It has received reports or presentations on a range of areas including the budget setting process. This provides assurance on these arrangements.
- The Committee has played a key role in reviewing the annual accounts and annual governance statements, providing assurance to the PCC and Chief Constable before they formally approve these documents.
- The Committee monitors the performance of the internal and external auditors and members have continued to actively participate in nationally held PSAA Local Audit Quality Forum events and receive updates on the Future of Local Government Audit.
- The Committee were briefed on the Scheme of Corporate Governance Framework, which sets out how the PCC and the Chief Constable conduct their organisations business both jointly and separately.

The Chief Constable and PCC are ‘those charged with governance’ the Committee’s role is non-executive and purely advisory.

**The influential audit Committee** has the potential to be a valuable resource to the whole organisation. Where it operates effectively, an audit Committee can add value to its organisation by supporting improvement across a range of objectives. To achieve wide-ranging influence, an audit Committee will need commitment and energy from membership together with support and openness from the organisation.

### The influential audit Committee supports:



Source: *Audit Committees: Practical Guidance for Local Authorities and Police (CIPFA, 2013)*

#### Committee's Conclusions on Governance

The Committee's primary contribution to the PCC's and Chief Constables strategic objectives is to ensure the governance, control, risk management and audit systems which underpin the work of the PCC, and Durham Constabulary are sound, reliable, robust and secure.

This annual report sets out how the Committee fulfilled these responsibilities in the financial year 2021/22.

The Committee reviewed its effectiveness against its terms of reference and has continued to develop the areas for improvement identified in the self-assessment undertaken in April 2021, against the revised CIPFA Practical Guidance for Local Authorities and Police Audit Committees.

The Committee continues to recognise the significant challenges facing the Police and Crime Commissioner and the Chief Constable and aims to promote and support good governance. Any advice offered will be considerate of these challenges.

The continued openness of the Police and Crime Commissioner and Chief Constable and the value they place on the work of the Joint Independent Audit Committee in assisting them to provide best value to the public is acknowledged. I was especially grateful for the flexible and swift response from the Police and Crime Commissioners Office to the changes in Committee membership, which has allowed us to maintain excellent levels of attendance throughout the year.

To conclude, on behalf of the Committee, I would like to thank the officers of the Police and Crime Commissioner and Durham Constabulary, Internal Audit (Durham County Council) and External Audit (Mazars) for their cooperation in challenging times. They were essential in ensuring that the Joint Independent Audit Committee was able to function effectively and fulfil its role during 2021/22.

Edward Bell

Chair Joint Independent Audit Committee 2021/22

## Appendix 1

### Joint Independent Audit Committee: Items Covered & Members Attendance 2021/22

	27 <sup>th</sup> April 2021	22 <sup>nd</sup> June 2021	20 <sup>th</sup> July 2021	2 <sup>nd</sup> Sept. 2021	19 <sup>th</sup> Oct 2021	7 <sup>th</sup> Dec 2021	18 <sup>th</sup> Jan 2022	22 <sup>nd</sup> Mar 2022
	Training Day							
Governance /Risk Management	PCC Election Update & PCC Office staff functions  Draft JIAC Annual Report 2020/21  Durham Constabulary Control Room Presentation  Professional Standards  Digital Leadership  PCC Elections		PCC Risk Register		CC & PCC Risk Register  Professional Standards update	PCC Staffing Update	PCC Staffing Update	PCC Staffing Update  Professional Standards update  Corporate Governance Framework briefing  Red Sigma update  Gift & Hospitality Register  Register of Interests
Internal Audit (IA)  Internal Control Environment	Self- assessment on Effectiveness of Committee and Members	Self- assessment on Effectiveness of Committee and Members  Progress Report Q4 2020/21  Annual IA Opinion 2020/21  Annual Governance Statement (AGS) Action Plan 2019/2020	Final AGS	Final AGS	Progress Report 2021/22	Independent Review of Local Authority Financial Reporting and Audit report (Redmond Review)  IA Progress Report	Progress Report 2021/22  Annual Governance Statement 20/21 action plan	IA Plan 2022/23  IA Charter  IA Ethical Culture – PDR process

		Draft AGS  Fraud and Corruption Annual Report 2020/21  Annual Review of the System of IA 2021						
External Audit (EA)	Audit Strategy Memorandum and Overview of Mazars						Progress Report (EA)	
Inspection and Review	Covid Model and Reflection  Police Officer Uplift  Draft JIAC Annual Report 2020/21	Review of the Independent Audit Committee Effectiveness  JIAC Annual Report 2020/21  Review JIAC Terms of Reference  Review of Joint Chief Finance Officer Role  Custody and Investigative Hub update	Investigative Hub Update  Draft Police and Crime Plan	Investigative Hub update  Durham Constabulary Estate Action Plan  Deep Dive: Rape	Investigative Hub update  HMICFRS Efficiency Review Process	Investigative Hub update  Update on the Independent Review of Local Authority Financial Reporting and Audit (Redmond Review)	Investigative Hub update	Investigative Hub/Estates update
Regulatory Framework / Financial Reporting	Treasury Management  Finance and Budgets		Treasury Management  CIPFA Financial Management Code	Budget Outturn 2020/21  Budget Monitoring 2021/22  CIPFA Financial Management Code Compliance	Budget Monitoring Report  Investment Strategy Short Term Investments & Borrowings			Budget Setting & MTFP  JIAC Expense Review
Members Attendance								
Eddie Bell (Chair)	Y	Y	Y	Y	Y	Y	Y	Y
Mac Williams (Vice Chair)	Y	Y	Y	Apologies	Apologies	Y	Y	Y
Jenny Flynn	Y	Y	Y	Y	Y	Y	Apologies	Apologies
Stephen Gowland	Not in post	Not in post	Apologies	Y	Y	Apologies	Y	Apologies

Stuart Green	Y	Y	Y	Apologies	Y	Y	Y	Y
Diane Murphy	Y	Apologies	Apologies	Y	Y	Apologies	Apologies	Resigned
Derek Shingleton	Y	Y	Y	Y	Y	Y	Y	Y
Richard Scothon	Not in post	Y	Apologies	Y	Y	Y	Y	Y
Cllr Heather Scott	Y	Y	Y	Y	Y	Y	Y	Y
Cllr Alex Watson	Not in post	Not in post	Y	Y	Apologies	Y	Y	Y

## Evaluating the Effectiveness of the Audit Committee

### Appendix 1 Audit Committee Members Assessment – Knowledge and Skills Framework

(Based on Appendix C of CIPFA’s “Audit Committees - Practical Guidance for Local Authorities and Police”)

Completed by Tracy Henderson DCC Chief Internal Auditor and Corporate Fraud Manager 16 May 2022

Knowledge Area	Details of core knowledge required	How the Audit Committee member is to apply the knowledge/training need	Yes	No	Partly	Comment
Organisational Knowledge	<ul style="list-style-type: none"> <li>An overview of the governance structures of the organisations and decision-making processes.</li> <li>Knowledge of the organisational objectives and major functions of the organisations.</li> </ul>	This knowledge will be core to most activities of the audit committee including review of the AGS, internal and external audit reports and risk registers.	Yes  Yes			Committee considers a wide range of activities including those linked to organisational objectives, functions and governance. <b>Several members have been in place for several years . they also have prior knowledge of public sector governance.</b>
Audit committee role and functions	<ul style="list-style-type: none"> <li>An understanding of the audit committee’s role and place within the governance structures. Familiarity with the committee’s terms of reference and accountability arrangements.</li> <li>Knowledge of the purpose and role of the audit committee.</li> </ul>	This knowledge will enable the audit committee to prioritise its work in order to ensure it discharges its responsibilities under its terms of reference and to avoid overlapping the work of others.	Yes		Yes	Audit Committees: Practical Guidance for Local Authorities and Police 2018 Report considered meeting April 2019 Committee Knowledge, purpose and Terms of Reference considered at a training event in May 2019. Terms of Reference revised as a result and are brought back to the Committee on a regular basis for approval.  <b>New Member benefited from refresher training provided on 10 May 2022</b>
Governance	<ul style="list-style-type: none"> <li>Knowledge of the seven principles of the CIPFA/Solace Good Governance</li> </ul>	The committee will review the local code of governance and	Yes			The Committee reviewed the local code of governance as part

Knowledge Area	Details of core knowledge required	How the Audit Committee member is to apply the knowledge/training need	Yes	No	Partly	Comment
	<p>Framework and the requirements of the Annual Governance Statement (AGS).</p> <ul style="list-style-type: none"> <li>• Knowledge of the local code of governance.</li> </ul>	<p>consider how governance arrangements align to the principles in the framework. The committee will plan the assurances it is to receive in order to adequately support the AGS.</p> <p>The committee will review the AGS and consider how the authority is meeting the principles of good governance.</p>				<p>of its work programme for 2021/2022</p> <p>The Committee receives assurances from the wide range of reports it receives from officers and both internal and external audit.</p> <p>The Committee reviews the AGS in Draft and Final formats and receives progress updates on actions raised within the governance action plan.</p> <p><b>Members benefited from refresher training provided on 10 May 2022</b></p>
Internal Audit	<ul style="list-style-type: none"> <li>• An awareness of the key principles of the Public Sector Internal Audit Standards and the Local Government Application Note.</li> <li>• Knowledge of the arrangements for delivery of the internal audit service in the organisations and how the role of the head of internal audit is fulfilled.</li> </ul>	<p>The audit committee has oversight of the internal audit function and will monitor its adherence to professional internal audit standards</p> <p>The audit committee will review the assurances from internal audit work and will review the risk-based audit plan. The committee will also receive the annual report, including an opinion and information on conformance with professional standards</p> <p>In relying on the work of internal audit, the committee will need</p>	Yes			<p>The Committee received a report from the Chief Internal Auditor which outlined the key principles of PSIAS and the LGAN.</p> <p>The Committee will receives an Annual Report and Opinion from the Chief Internal Auditor and an Annual Effectiveness Report which identifies how the Internal Audit Service has conformed with professional standards.</p> <p>The external assessment was undertaken in 2022 and the</p>

Knowledge Area	Details of core knowledge required	How the Audit Committee member is to apply the knowledge/training need	Yes	No	Partly	Comment
		to be confident that professional standards are being followed The audit committee chair is likely to be interviewed as part of the external quality assessment and the committee will receive the outcome of the assessment and action plan.				outcome will be reported within the above reports for 2021/22.
Financial management and accounting	<ul style="list-style-type: none"> <li>• Awareness of the financial statements that the local organisations must produce and the principles it must follow to produce them.</li> <li>• Understanding of good financial management principles.</li> <li>• Knowledge of how the organisation meets the requirements of the role of the chief financial officer, as required by the Role of the Chief Financial Officer in Local Government (CIPFA, 2016) and the CIPFA Statement on the Role of the Chief Financial Officers in Policing (2018)</li> </ul>	Reviewing the financial statements prior to publication, asking questions Receiving the external audit report and opinion on the financial audit Reviewing both external and internal audit recommendations relating to financial management controls The audit committee should consider the role of the CFO and how this is met when reviewing the AGS	Yes			Review of financial statements is part of the Terms of Reference for the Committee. The Committee receives financial reports from the Joint CFO and the External Audit report and opinion.  The Committee considers the role of the Joint CFO and Safeguarding Protocol on an annual basis .  <b>Members benefited from refresher training provided on 10 May 2022</b>
External audit	<ul style="list-style-type: none"> <li>• Knowledge of the role and functions of the external auditor and who currently undertakes this role. Knowledge of the key reports and assurances that external audit will provide.</li> </ul>	The audit committee should meet with the external auditor regularly and receive their reports and opinions. Monitoring external audit recommendations and maximising benefit from audit process. The audit committee should monitor the relationship	Yes		Yes	The Committee considers the Audit Strategy Memorandum and regular progress reports and Annual report from External Audit.

Knowledge Area	Details of core knowledge required	How the Audit Committee member is to apply the knowledge/training need	Yes	No	Partly	Comment
	<ul style="list-style-type: none"> <li>Knowledge about arrangements for the appointment of auditors and quality monitoring undertaken.</li> </ul>	between the external auditor and the authority and support the delivery of an effective service.				Arrangements for appointment of External Audit are considered at the appropriate time.
Risk management	<ul style="list-style-type: none"> <li>Understanding of the principles of risk management, including linkage to good governance and decision making.</li> <li>Knowledge of the risk management policy and strategy of the organisation.</li> <li>Understanding of risk governance arrangements, including the role of members and of the audit committee.</li> </ul>	<p>In reviewing the AGS, the committee will consider the robustness of the authority's risk management arrangements and should also have awareness of the major risks the authority faces</p> <p>Keeping up to date with the risk profile is necessary to support the review of a number of audit committee agenda items, including the risk-based internal audit plan, external audit plans and the explanatory foreword of the accounts</p> <p>Typically risk registers will be used to inform the committee</p> <p>The committee should also review reports and action plans to develop the application of risk management practice</p>	Yes		Yes	<p>Committee receives regular reports for consideration from Force and OPCC with respective risk registers.</p> <p>Robustness of risk management arrangements is considered as part of AGS discussion.</p> <p><b>New Member benefited from refresher training provided on 10 May 2022</b></p> <p><b>Committee receives reports which include an overview of the relevant risks. There is adequate scrutiny of reports to ensure that risks are raised and considered.</b></p>
Counter-fraud	<ul style="list-style-type: none"> <li>An understanding of the main areas of fraud risk the organisation is exposed.</li> <li>Knowledge of the principles of good fraud risk management in accordance with the Code of Practice on Managing the Risk of Fraud and Corruption (CIPFA, 2014)</li> </ul>	Knowledge of fraud risks and good fraud risk management practice will be helpful when the committee reviews the organisation's fraud strategy and receives reports on the effectiveness of that strategy	Yes		Yes	The Committee receives an Annual report from the Chief Internal Auditor outlining the work the service has undertaken in year considering Force / OPCC fraud risk management framework and associated

Knowledge Area	Details of core knowledge required	How the Audit Committee member is to apply the knowledge/training need	Yes	No	Partly	Comment
	<ul style="list-style-type: none"> <li>Knowledge of the organisation's arrangements for tackling fraud.</li> </ul>	An assessment of arrangements should support the AGS and knowledge of good fraud risk management practice will support the audit committee member in reviewing that assessment				<p>documents and including examples, as applicable, of where fraud has been identified in specific categories such as payroll, procurement, expenses, flexitime abuse etc. The Committee also receives from Internal Audit, the outcome from the NFI exercise which is undertaken every 2 years.</p> <p>The Committee receives reports from Force Professional Standards.</p> <p><b>New Member benefited from refresher training provided on 10 May 2022</b></p>
Values of good governance	<ul style="list-style-type: none"> <li>Knowledge of the Seven Principles of Public Life.</li> <li>Knowledge of the organisation's key arrangements to uphold ethical standards for both members and staff.</li> <li>Knowledge of the whistleblowing arrangements in the organisations.</li> </ul>	<p>The audit committee member will draw on this knowledge when reviewing governance issues and the AGS</p> <p>Oversight of the effectiveness of whistleblowing will be considered as part of the AGS.</p> <p>The audit committee member should know to whom concerns should be reported.</p>	Yes		Yes	<p>Seven Principles of Public Life are referenced in the Internal Audit Charter.</p> <p>Periodic reports received from Officers and internal Audit in relation to Ethical Standards and whistleblowing arrangements.</p> <p><b>Members benefited from refresher training provided on 10 May 2022</b></p>
Treasury Management	<ul style="list-style-type: none"> <li>Effective Scrutiny of Treasury Management is an assessment tool for reviewing the arrangement for undertaking scrutiny of treasury</li> </ul>	Core knowledge on treasury management is essential for the committee undertaking the role of scrutiny	Yes			Member Training events and Treasury Management Update Reports

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Knowledge Area	Details of core knowledge required	How the Audit Committee member is to apply the knowledge/training need	Yes	No	Partly	Comment
	<p>management. The key knowledge areas identified are:</p> <p>Regulatory requirements</p> <ul style="list-style-type: none"> <li>○ Treasury risks</li> <li>○ The organisation's treasury management strategy</li> <li>○ The organisations policies and procedures in relation to treasury management.</li> </ul>					<b>Members benefited from refresher training provided on 10 May 2022</b>

Skills Area	Key Elements	How audit committee member is able to apply the skill	Yes	No	Partly	Comment
Strategic thinking and understanding of materiality	<ul style="list-style-type: none"> <li>● Able to focus on material issues and overall position, rather than being side tracked by detail</li> </ul>	When reviewing audit reports, findings will include areas of higher risk or materiality but may also highlight more minor errors or control failures. The audit committee member will need to pitch their review at an appropriate level to avoid spending too much time on detail	Yes			Audit Committee receives a copy of all Limited Opinion Internal Audit reports for consideration and a quarterly progress update on any audit actions that have not been implemented in accordance with agreed timescales.
Questioning and constructive challenge	<ul style="list-style-type: none"> <li>● Able to frame questions that draw out relevant facts and explanations</li> <li>● Challenging performance and seeking explanations while avoiding hostility or grandstanding</li> </ul>	The audit committee will review reports and recommendations to address weaknesses in internal control. The audit committee member will seek to understand the reasons for weaknesses and ensure a solution is found	Yes			Audit Committee Members challenge and seek responses to any perceived issues they may have or where further clarification is required.

Skills Area	Key Elements	How audit committee member is able to apply the skill	Yes	No	Partly	Comment
Focus on improvement	<ul style="list-style-type: none"> <li>Ensuring there is a clear plan of action and allocation of responsibility</li> </ul>	<p>The outcome of the audit committee will be to secure improvements to the governance, risk management or control of the organisation, including clearly defined actions and responsibilities.</p> <p>Where errors or control failures have occurred, then the audit committee should seek assurances that appropriate action has been taken</p>	Yes			Audit Committee Members challenge and seek responses to any perceived issues they may have or where further clarification is required.
Able to balance practicality against theory	<ul style="list-style-type: none"> <li>Able to understand the practical implications of recommendations to understand how they might work in practice</li> </ul>	The audit committee should seek assurances that planned actions are practical and realistic	Yes			Audit Committee questions officers about progress made in delivering planned actions according to timescale.
Clear communication skills and focus on the needs of users	<ul style="list-style-type: none"> <li>Support the use of plain English in communications, avoiding jargon, acronyms, etc.</li> </ul>	The audit committee will seek to ensure that external documents as the AGS and the narrative report in the accounts are well written for a non-expert audience.	Yes			Audit Committee comments upon Force / PCC documentation that is to be made available externally such as the AGS.
Objectivity	<ul style="list-style-type: none"> <li>Evaluate information on the basis of evidence presented and avoiding bias or subjectivity.</li> </ul>	The audit committee will receive of assurance reports and review risk registers. There may be differences of opinion about the significance of risk and the appropriate control responses and the committee member will need to weigh up differing views	Yes			Audit Committee members are objective in their thinking and willing to discuss differences of opinion.
Meeting management skills	<ul style="list-style-type: none"> <li>Chair the meetings effectively summarise issues raised, ensure all participants are</li> </ul>	These skills are essential for the audit committee chair to help ensure that meetings stay on	Yes			As nominated Chair of the Committee from October 2020 when the previous Chair retired

Skills Area	Key Elements	How audit committee member is able to apply the skill	Yes	No	Partly	Comment
	able to contribute focus on the outcome and actions from the meeting.	track and address the items on the agenda. The skills are desirable for all other members				and with a range of experience in Chairing meetings in a number of other organisations I represent, I have consciously looked to facilitate discussion through encouraging all members to participate which I consider they look to do.

## Appendix 2

### Self-Assessment of Good Practice During 2021/22

(Based on Appendix D of CIPFA's "Audit Committees - Practical Guidance for Local Authorities and Police")

Completed by Joint CFO Mr Gary Ridley, Mr Charles Oakley and Durham County Council Chief Internal Auditor and Corporate Fraud Manager Miss Tracy Henderson

Good practice questions	Yes	Partly	No	Comment
<b>Audit Committee Purpose and Governance</b>				
1. Do the organisations have a dedicated audit committee?	X			
2. Does the audit committee report directly to full council? (local government only).	N/A	N/A	N/A	
3. Do the terms of reference clearly set out the purpose of the committee in accordance with CIPFA's Position Statement?	X			ToR revised July 2020 to reflect CIPFA position statement
4. Is the role and purpose of the audit committee understood and accepted across the organisations?		X		Understood by those Officers / Staff who report to / support Committee
5. Does the audit committee provide support to both organisations in meeting the requirements of good governance?	X			
6. Are the arrangements to hold the committee to account for its performance operating satisfactorily?	X			<b>External audit, internal audit and the Committee Chair also periodically attend Executive Board where they can discuss relevant issues.</b>
<b>Functions of the Committee</b>				
7. Do the committee's terms of reference explicitly address all the core areas identified in CIPFA's Position Statement?				
• Good Governance	X			
• Assurance Framework, including partnership and collaboration arrangements	X			
• Internal Audit	X			
• External Audit	X			
• Financial Reporting	X			
• Risk Management	X			
• Value for Money (VfM) or Best Value	X			

Good practice questions	Yes	Partly	No	Comment
<ul style="list-style-type: none"> <li>• Counter-fraud and corruption</li> </ul>	<b>X</b>			
<ul style="list-style-type: none"> <li>• Supporting the ethical framework</li> </ul>	<b>X</b>			
8. Is an annual evaluation undertaken to assess whether the committee is fulfilling its terms of reference and that adequate consideration has been given to all core areas?	<b>X</b>			Annual Review of ToR Annual Review of System of Internal Audit Joint Audit Committee Annual Report
9. Has the audit committee considered the wider areas identified in CIPFA's Position Statement and whether it would be appropriate for the committee to undertake them?	<b>X</b>			
10. Where coverage of core areas has been found to be limited, are plans in place to address this?	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	No issues with coverage of core areas
11. Has the committee maintained its advisory role by not taking on any decision-making powers that are not in line with its core purpose?	<b>X</b>			
<b>Membership and Support</b>				
12. Has an effective audit committee structure and composition of the committee been selected? This should include: <ul style="list-style-type: none"> <li>• separation from the executive</li> <li>• an appropriate mix of knowledge and skills among the membership</li> <li>• a size of committee that is not unwieldy</li> <li>• consideration has been given to the inclusion of at least one independent member (where it is not already a mandatory requirement)</li> </ul>	<b>X</b> <b>X</b> <b>X</b> <b>X</b>			
13. Have independent members appointed to the committee been recruited in an open and transparent way and approved by the PCVC and Chief Constable as appropriate for the organisation.	<b>X</b>			
14. Does the chair of the committee have appropriate knowledge and skills?	<b>X</b>			
15. Are arrangements in place to support the committee with briefings and training?	<b>X</b>			
16. Has the membership of the committee been assessed against the core knowledge and skills framework and found to be satisfactory?		<b>X</b>		Initial assessment in 2018/19, extended in 2019/20 and reviewed at Member training event April 2021 and again at May 2022 where Members requested to complete own skills framework document

<b>Good practice questions</b>	<b>Yes</b>	<b>Partly</b>	<b>No</b>	<b>Comment</b>
17.Does the committee have good working relations with key people and organisations, including external audit, internal audit and the chief financial officer (CFO)?	<b>X</b>			
18.Is adequate secretariat and administrative support to the committee provided?	<b>X</b>			
<b>Effectiveness of the Committee</b>				
19.Has the committee obtained feedback on its performance from those interacting with the committee or relying on its work?	<b>X</b>			
20.Are meetings effective with a good level of discussion and engagement from all members?	<b>X</b>			
21.Does the committee engage with a wide range of leaders and managers, including discussion of audit findings, risks and action plans with responsible officers?	<b>X</b>			
22.Does the committee make recommendations for the improvement of governance, risk and control and are these acted on?	<b>X</b>			
23.Has the committee evaluated whether and how it is adding value to the organisation?	<b>X</b>			Joint Audit Committee Annual Report
24.Does the committee have an action plan to improve any areas of weakness?	<b>X</b>			Joint Audit Committee Annual Report
25.Does the committee publish an annual report to account for its performance and explain its work	<b>X</b>			Joint Audit Committee Annual Report

## Appendix 3

### Evaluating the Effectiveness of the Audit Committee

(Based on Appendix E of CIPFA's "Audit Committees - Practical Guidance for Local Authorities and Police")

Completed by CEO Mrs Sharon Caddell, Joint CFO Mr Gary Ridley, Mr Charles Oakley and Durham County Council Audit Manager Miss Tracy Henderson on 25th March 2021 who assessed each area providing a score from 1 to 5 in accordance with the following assessment criteria:

Reviewed by Stephen Carter DCC Interim Chief Internal Auditor and Corporate Fraud Manager 23 April 2021

5	Clear evidence available from numerous sources that committee is actively supporting improvements across all aspects of area. Improvements made are clearly identifiable.
4	Clear evidence from some sources that the committee is actively and effectively supporting improvements across some aspects of this area.
3	The committee has had mixed experience in supporting improvement in this area. There is some evidence that demonstrates their impact but there are also significant gaps.
2	There is some evidence that the committee has supported improvements, but the impact of this support is limited.
1	No evidence can be found that the audit committee has supported improvements in this area

Areas to Add Value by supporting improvement	Examples of how the audit committee can add value and provide evidence of effectiveness	Self-evaluation, examples of areas of strength and weakness	Overall Assessment Score 1-5
Promoting the principles of good governance and their application to decision making.	<ul style="list-style-type: none"> <li>• Supporting the development of a local code of governance</li> <li>• Providing robust review of the AGS and the assurances underpinning it</li> <li>• Working with key members to improve their understanding of the AGS and their contribution to it</li> <li>• Supporting reviews/audits of governance arrangements</li> <li>• Participating in self-assessments of governance arrangements</li> <li>• Working with partner audit committees to review governance arrangements in partnerships</li> </ul>	<p>Review of the local code of governance.</p> <p>Review of the Draft AGS prior to its inclusion in the Statement of Accounts. Internal Audit reviews of governance arrangements are completed regularly as part of the risk-based plan.</p> <p>No formal work with partner audit committees takes place</p>	4
Contributing to the development of an effective control environment.	<ul style="list-style-type: none"> <li>• Actively monitoring the implementation of recommendations from auditors</li> <li>• Encouraging ownership of the internal control framework by appropriate managers</li> <li>• Raising significant concerns over controls with appropriate senior managers</li> </ul>	<p>Recommendations from auditors are monitored regularly. Senior Officers provide confirmation of action taken / planned where concerns exist.</p>	5
Supporting the establishment of arrangements for the governance	<ul style="list-style-type: none"> <li>• Reviewing risk management arrangements and their effectiveness, e.g. risk management benchmarking.</li> <li>• Monitoring improvements</li> </ul>	<p>Risk management arrangements for both the PCVC and Constabulary are reviewed on a regular basis.</p>	5

<b>Areas to Add Value by supporting improvement</b>	<b>Examples of how the audit committee can add value and provide evidence of effectiveness</b>	<b>Self-evaluation, examples of areas of strength and weakness</b>	<b>Overall Assessment Score 1-5</b>
of risk and for effective arrangements to manage risks.	<ul style="list-style-type: none"> <li>• Holding risk owners to account for major/strategic risks</li> </ul>	Emerging issues reported by Joint CFO as part of update process.	
Advising on the adequacy of the assurance framework and considering whether assurance is deployed efficiently and effectively.	<ul style="list-style-type: none"> <li>• Specifying assurance needs, identifying gaps or overlaps</li> <li>• Seeking to streamline assurance gathering and reporting</li> <li>• Reviewing the effectiveness of assurance providers e.g. internal audit, risk management, external audit.</li> </ul>	Review of the local code of governance and Annual Governance Statement.	5
Supporting the quality of the internal audit activity, particularly by underpinning its organisational independence.	<ul style="list-style-type: none"> <li>• Reviewing the audit charter and functional reporting arrangements</li> <li>• Assessing the effectiveness of internal audit arrangements, providing constructive challenge and supporting improvements</li> <li>• Actively supporting the quality assurance and improvement programme of internal audit</li> </ul>	Annual review of the audit charter and strategy. Annual review of the assessment of internal audit arrangements. Provision of constructive challenge and support for improvements. Review of Quality Assurance and Improvement Plan targets via quarterly progress reports and Internal Audit's annual report.	5
Aiding the achievement of the organisation's goals and objectives through helping to ensure appropriate governance, risk, control and assurance arrangements.	<ul style="list-style-type: none"> <li>• Reviewing how the governance arrangements support the achievement of sustainable outcomes</li> <li>• Reviewing major projects and programmes to ensure that governance and assurance arrangements are in place</li> <li>• Reviewing the effectiveness of performance management arrangements</li> </ul>	Governance arrangements are reviewed via the Annual Governance Statement Process. Red Sigma / Capital programme updates provided as part of Joint CFO budget reporting arrangements. Performance Management forms part of the strategic internal audit plan coverage, however, testing exists in most audits to ensure performance management is robust.	4
Supporting the development of robust arrangements for ensuring value for money.	<ul style="list-style-type: none"> <li>• Ensuring that assurance on value for money arrangements is included in the assurances received by the audit committee</li> <li>• Considering how performance in value for money is evaluated as part of the AGS</li> </ul>	Value for money is assessed by both Internal and External Audit. External Audit specifically deliver an assurance opinion on value for money as part of the annual audit process. This and Internal Audit's work	5

Areas to Add Value by supporting improvement	Examples of how the audit committee can add value and provide evidence of effectiveness	Self-evaluation, examples of areas of strength and weakness	Overall Assessment Score 1-5
		throughout the year form part of the assurance for the AGS	
Helping the organisations to implement the values of good governance, including effective arrangements for countering fraud and corruption risks.	<ul style="list-style-type: none"> <li>• Reviewing arrangements against the standards set out in the Code of Practice on Managing the Risk of Fraud and Corruption (CIPFA, 2014)</li> <li>• Reviewing fraud risks and the effectiveness of the organisation's strategy to address those risks</li> <li>• Assessing the effectiveness of ethical governance arrangements for staff</li> </ul>	Internal Audit undertakes an Annual Review of Fraud and Corruption arrangements as outlined within its Annual Report. This incorporates the outcomes of each National Fraud Initiative exercise and work undertaken with Professional Standards identifying any investigations they have undertaken against a range of qualifying criteria. Internal Audit includes within its strategic plan reviews under a heading of Ethical Governance which includes reviews of Member Expenses, Gifts and Hospitality, Force PDR arrangements and Complaints.	4
Promoting effective public reporting to the organisation's stakeholders and local community and measures to improve transparency and accountability.	<p>Improving how the authority discharges its responsibilities for public reporting; for example, better targeting at the audience, plain English.</p> <p>Reviewing whether decision making through partnership organisations remains transparent and publicly accessible and encourages greater transparency.</p> <p>Publishing an annual report from the committee.</p>	<p>The committee meets in private with reports being exempt from public discussion. Minutes of each meeting are however displayed on the PCVC website.</p> <p>An annual report from the committee is published on the PCVC website.</p>	3 (Upgrade to 4 if OPCC promotes meeting with staff, partners and public).



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## Police and Crime Panel

23 June 2022

### Media Report

#### Report of the Durham Police and Crime Commissioner

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#### 1. Purpose

This paper provides an update of press and social media coverage concerning the work of the Durham Police and Crime Commissioner since the previous meeting.

#### 2. Press releases published (19 February to 30 May 2022):

Ten press releases distributed to the press and uploaded to the website.

##### Top press releases (by views) during that time:

- Public invited to submit questions on processes to report crime or contact police (9 May 2022)
- Joint pledge signed to tackle anti-social behaviour (20 February 2022)
- 20m cash boost available to help support survivors of domestic abuse and sexual violence (14 April 2022)
- Putting more officers back on our streets will be top of the agenda (1 March 2022)
- Joint Scrutiny Panel finds good practice in review of Out of Court Disposals (25 April 2022)

Key publications include Northern Echo, Chronicle Live, Aycliffe Today, Newton News, Darlington & Stockton Times, Sunderland Echo and Teesside Live.

##### TV and Radio Interviews:

- BBC Look North - talking about the Home Affairs Select Committee Report into Spiking (26 April 2022)

#### 3. Social media activity (as of 30<sup>th</sup> May 2022)

- 7,844 followers on Twitter
- 6,335 followers on Facebook
- 794 followers on the Instagram Account
- 61 subscribers on the YouTube Channel

## **Top social media posts between 19 February and 30 May 2022**

### **Top tweets (by reach):**

- 6.0K – Statement from Joy Allen (6 May 2022)
- 4.2K – We're recruiting (5 April 2022)
- 3.7K – Joy meets special Constables (17 March 2022)
- 2.8K – Statement (6 May 2022)
- 1.9K – Spiking video (27 April 2022)

### **Top Facebook posts (by reach):**

- 5.6K – Tackling Violence Against Women (21 April 2022)
- 5.4K – Public invited to submit questions on process to report crime (9 May 2022)
- 4.1K – Community Safety Fund (6 May 2022)
- 3.7K – Meeting Special Constables (17 Mar 2022)
- 3.03K – Recruitment Post with video (28 April 2022)

### **Top Instagram posts (by reach):**

- 197 -Joint Scrutiny Panel (25 April 2022)
- 181 – Joy welcomes Tonya Antonis (1 March 2022)
- 177 – Joy presents £5K cheque (25 March 2022)
- 173 – Joy meets David Stone (18 March 2022)
- 162 – We're recruiting (5 April 2022)

## **4. Recommendations**

Panel Members are recommended to note the information contained in this report.

**Steve White**

Chief executive

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**Appendix 1: Risks and Implications**

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**Finance**

None

**Staffing**

None

**Equality and Diversity**

None

**Accommodation**

None

**Crime and Disorder**

None

**Children's Act 2004**

None

**Stakeholder/Community Engagement**

None

**Environment**

None

**Collaboration and Partnerships**

None

**Value for Money and Productivity**

None

**Potential Impact on Police and Crime Plan Priorities**

Positive coverage of activity will help to boost confidence in policing.

**Commissioning**

None

**Other risks**

None

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## Police and Crime Panel

23<sup>rd</sup> June 2022

## Quarterly Performance Report

## Report of the Police and Crime Commissioner

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### Purpose

1. To update the Police and Crime Panel on the PCCs quarterly performance for Quarter 4 (Jan-Mar) 2021/22. This will include headline work around hold the chief constable to account and wider partnership work undertaken.
2. This report will generally view performance through two lenses: holding the Chief Constable to account and partnership work engaged in by the Office of the Police and Crime Commissioner (OPCC). The topics selected over this quarter are reflective of the strategic objectives which have received extra attention during this period. However, it is important to note that all areas of the plan are continually assessed in terms of accountability and partnership working and that all areas will receive this extra attention through the course of the year.

### Background

3. The Quarterly Performance report has experienced a development period during the first year of my term in office. Background work has predominantly concluded in terms developing the performance management structure and the process will now mature to bring all the appropriate strands of PCC performance together in this report moving forward.

**Safer Communities- Anti-Social Behaviour (ASB): Prevent and deter offenders and protect victims of ASB and engage and empower communities to play an active role in crime prevention and resolving local issues.**

4. Appoint an ASB Champion to spearhead multi-agency action to address persistent ASB and chair Community Trigger resolution meetings.
  - 4.1. An ASB champion has been appointed to strengthen the voice of victims of ASB and ensure ASB is pushed as a priority on behalf of the residents of County Durham and Darlington. This has been relayed this to our partners in order for the role to be as impactful as possible. The workplan for this role is focused upon working with local authority partners and promoting the existence and effectiveness of Community Trigger. The process for Community Trigger is now much clearer and indications suggest that there has been heightened awareness of the process. Work continues in this space to further enhance the effectiveness and efficiency of working practices between the OPCC, the force, and partners.

5. Tackle quality of life issues that matter most to residents such as ASB, fly-tipping, and vandalism.
  - 5.1. The PCC has asked the force around a number of things in this space, including, selective licensing used in the force area and problem-solving approached used across the county. The force has made clear the importance they place upon robust enforcement of selective licensing and how this is central to the future success of the programme. Moreover, the force was able to demonstrate a number of useful problem-solving approaches they use to tackle the quality of life issues created by ASB, for example, Operation Endurance to tackle the menace of off-road bikes. They have also highlighted their increased use of dispersal orders and usefulness of the new ASB Strategic Group in Country Durham, effective partnership work in this forum will prove essential moving forward.
  - 5.2. In addition to the ASB Strategic Group, senior Local Authority ASB personnel and police meet on a monthly basis to help augment the understanding of the landscape and how ASB can be tackled in partnership. Significant work has been undertaken to ensure that systems and process improvements continue to evolve between key partners to help tackle ASB for the residents of County Durham and Darlington. The ambition to tackle quality of life issues better can only be achieved through meaningful enforcement, effective problem-solving approaches, sustainable recruitment practices, and a shared appetite for success across responsible partners.
6. Ensure signposting is reinforced with a clear distinction of who to direct ASB related issues to and how to get help.
  - 6.1. During this quarter work began to set clear demarcation lines around reporting of ASB the main method of achieving this is to provide the public with effective and cohesive signposting between the force and local authority partners. Work is still ongoing in this space to achieve a fully cohesive strategy which is consistent in terms of directing the public to the most appropriate partner for the issue they are experiencing.
  - 6.2. The OPCC has explored with the force how effective they view their own internal escalation processes and how well they signpost for victims of ASB. Notwithstanding the progress in this space. it will be a priority to continue to improve, specifically in forming a timely response to any escalation in ASB.
7. Lobby the Home Office to consider replicating legal powers currently available to police in Scotland to enable officers to serve warnings, fines, and seize equipment from noisy, inconsiderate neighbours.
  - 7.1. Work strands associated with this Key Deliverable are currently being explored further.
8. Ensure the availability of a trauma informed approach to support victims of persistent and unresolved ASB.

- 8.1. An agreed process is in place to ensure victims of ASB related crime are referred via the single front door service delivered by the PCC (the Victim Care and Advice Service (VCAS)), with additional support offered by Community Peer Mentor scheme for non-crime related ASB victims. Work has been carried out to ensure the force are able to tag incidents appropriately in order for victims to be directed to the correct support service. Moving forward it will be important to maintain support service staffing levels to allow them to cope with additional demand created by the widening of the scope to victims of ASB.
- 8.2. Work to shine a light upon how important tackling ASB is to communities in Durham and Darlington has been significant. Every incident of ASB is reviewed by a Neighbourhood Policing Team officer and then triaged according to the Threat, Harm, Risk, Investigation, Vulnerability, and Engagement (THRIVE) process. Previous incidents are always considered which can lead to a crime being recorded in relation to the ASB, which in turn gives that victim the support they are entitled to under the Victim's Code of Practice.
9. Display guidelines on how to enact the ASB Community Trigger prominently on websites, notice boards, and publications to enable all victims of ASB to seek redress.
- 9.1. Work has been undertaken to ensure the Community Trigger process/guidelines are displayed prominently. Community Trigger is now available on Force and Local Authority websites, with a commitment via an agreed Memorandum of Understanding from housing providers, to publish the Community Trigger going forward. There is also planned work to carry out a pilot with a key housing partner to signpost Community Trigger on their website.
10. Address student related ASB problems, working alongside Durham University and the Local Authority.
- 10.1. The constabulary continue to work with and within the student community. A service level agreement has been submitted to Durham University by the Constabulary to continue the funding for the role of University Liaison Officer.
11. Encourage victims to submit a written account of the impact of ASB and be entitled to read it, or have it read out on their behalf, at the Community Trigger Meeting.
- 11.1. The Community Trigger process is currently being reviewed by the force with a view to enhancing the process further, with a new threshold, to be more victim centric by including victim impact statements and attendance at case reviews. VACS will provide the victim advocacy service for Community Trigger via the force, whilst there has been a commitment from Darlington Borough Council for single front door approach for the Community Trigger and triage process.
12. Review how the police, Darlington Borough Council and Durham County Council take ownership of ASB reports to ensure people get the right support at the right time by the right organisation.

- 12.1. The force has re-visited how they signpost on their website and have overlaid that onto how partners do so. There is still work to do in this space, however, there has been a marked improvement in signposting and crimes are recorded in instances of ASB where that threshold is reached.
- 12.2. As per 8.1, significant work has been undertaken by the OPCC and force to signpost victims of ASB efficiently and effectively. As this process embeds it will mature to give a further improved service to cater to victim's needs.
13. Use the full suite of criminal and civic tools and powers to address ASB effectively.
- 13.1. The constabulary make full use of all tools to address ASB, and this will be further supported by the powers conferred from selective licensing and Public Space Protection Orders. For example, closure order powers, Criminal Behaviour Orders (CBOs), and Community Protection Warnings. Work is ongoing with partners to understand CBO use and their implementation. Notwithstanding, CBOs have been used on a number of individuals in the force area and CPWs have been utilised in some of the County's more rural areas to tackle poaching.
14. Enable victims of ASB to attend a resolution meeting to explain the impact the ASB is having on them.
- 14.1. There is an agreement in place for the VCAS service to support victim impact and resolution process as part of Community Trigger. The wider delivery of Community Trigger is still being refined which will give a clearer picture on the process, provision, and work for sustainable delivery.
- 14.2. The process within our victim support services service enables any victim of an ASB crime (or any crime) to request a resolution meeting as a restorative approach.
15. Provide ongoing communication on what is being done locally to tackle ASB across a variety of media platforms, including social media, website, local press, and community visits.
- 15.1. The force has a comprehensive external communication strategy for ASB, which includes, social media posts by Neighbourhood Policing Teams (NPT) around ASB issues and police and partner response. The force also has a locality based ASB/NPT newsletter which is shared with locally elected members.
- 15.2. Door knocking sessions to link with local communities have taken place in a number of areas in the county, with visits to town and parish councils by both the PCC and ASB champion.

**Victims- Put victims at the heart of everything we do and safeguard victims and the vulnerable.**

16. Help keep people safe in their homes by working with the Local Authorities, Health and the Fire and Rescue Service to provide Total Home Safety advice.

16.1. I have asked the force to what extent they believe they keep people safe in their homes and how effective current measures are. The Specialist Crime Prevention Officers (CPOs) and an Architectural liaison Officer (ALO) work closely with Neighbourhood Policing Teams providing advice on prevention and problem solving, usually involving partner agencies. The CPOs deliver the County Durham Remain Safe scheme as part of Durham County Council's Housing Solutions prevention toolkit, a scheme developed to provide home security to vulnerable victims of domestic abuse, hate crime or harassment. The Force engage with CSP development plans in Durham and Darlington. They link in with the Safer Homes Scheme and provide crime prevention advice through the partnership.

16.2. Moving forward it will be important to continue to understand the effectiveness of these posts and schemes and to ensure the public continue to receive this support despite challenges of limited capacity.

17. Appoint a Victims' Champion to ensure the voice of victims is at the centre of everything we do.

17.1. A Victim's Champion has been appointed who now provides a point of contact for victims of crime and I will ensure that their voices are heard in order to locally inform our planning, policies, and commissioning of services to support victims.

18. Ensure delivery of seamless high-quality support for victims that enables them to cope with, and recover from, their experience.

18.1. As of March 2022, an in-house model of overarching victim support was instigated, this features a single front door approach and includes the Community Peer Mentors and Restorative Justice schemes. Performance monitoring processes are in place for commissioned services to help identify and resolve and issues and meaningful outcomes.

19. Ensure victims feel empowered and confident in reporting crime to the police, reassuring them of the journey through partner services.

19.1. The force has continued to refine critical contact point development for victims. However, the appropriateness of referrals still continues to be a point of focus for the force. A targeted approach is being used to improve referral appropriateness as well as the process for officers leaving contact details for victims at the first point of contact. In order to address these areas fully, the force has instigated a bitesize training package for officers.

- 19.2. A victim leaflet is offered to all victims, which provides information what to expect in terms of police actions and information on support/partner agencies etc. Moreover, discussing the next steps of the investigation should be done as standard with officers and staff that have contact with victims.
20. Ensure compliance with the Code of Practice (VCOP) for Victims of Crime so that victims are aware of and can access their rights.
- 20.1. There is a VCOP compliance process in place in force which has proven effective in terms of mapping work strands and actions. Further work is planned in response to VCOP compliance monitoring coming under the remit of PCCs.
- 20.2. The force has provided assurance that they have force governance structures in place to provide a wealth of forums to monitor compliance. In addition, the force has delivered national training packages and regular supervisory reviews in this space.
21. Commission high quality services so that victims have access to a range of specialist support services for them and their families at any point and whether they report to the police or not.
22. As mentioned throughout the report, the PCC either directly owns or commissions a plethora of victim services which deliver for a range of victims from serious sexual offences to victims of road traffic collisions.
23. During Quarter 4 2021/22 there have been a series of commissioned posts and projects which have come to fruition. Some examples of these include;
- The awarding of the Independent Sexual Violence Advocate contract to Rape Sexual Abuse Counselling Centre.
  - The Sexual Assault Referral Centre regional management service being mobilised and in service from 1<sup>st</sup> April.
24. Ensure victims are read their rights at the point of report or as soon after as possible as with offenders.
- 24.1. The PCC has questioned the force around how good they are at informing victims of their rights. Standard victim contact is carried out using Contact Contract information that should be agreed at first point of contact and/or when any pertinent information to the investigation becomes available. Investigation scrutiny and review work ensures Victim Logs are quality checked and remedial actions created when needed. 7-Day Ring Backs ensure victims have received all necessary and appropriate information. Victim support can be offered at any of these contact points, where it was not taken/offered at the initial point of offer.

25. Improve safeguarding for vulnerable adults and children.

25.1. The force continues to perform well in this space, specifically around the Identification of repeat victims, offenders and locations and assessing the threat and harm which enables the force to focus upon the areas of highest harm and safeguarding the vulnerable. There are also some excellent examples of innovation, such as the Multi-Agency Tasking and Coordination process. Effective THRIVE process at the first point of contact also helps to effectively identify vulnerability, which has been recognised by Her Majesties Inspectorate of the Constabulary and Fire & Rescue Service. The force has also worked to understand crimes and incidents better through using the “Through the Eyes of a Child” approach, this is particularly in relation to Domestic Abuse incidents attended.

25.2. The OPCC are also continuing to work with the force to understand the landscape and performance around the review of the Child Protection Inspection by HMICFRS and other national reports pertaining to child sexual abuse and exploitation.

26. Continuously review and seek to improve those services we commission and co-commission to support victims of crime.

26.1. PCC and staff are present and attend several board/group/networks whose purpose is to review and improve services for victims of crime. Including the Effectiveness and Efficiency Group, Youth Justice Partnership, Total Victim Care and the Domestic Abuse and Sexual Violence Executive Group, amongst others.

26.2. The OPCC also has an agreement with partners to support the development of independent Governance Board for the recently taken in-house service victims service portfolio.

**Public Accountability Meeting – Violence Against Women and Girls (VAWG)**

27. The PCC held a [Public Accountability Meeting in February 2022](#) focusing upon VAWG.

27.1. Developing a Violence Against Women and Girls’ strategy is a key priority within the Police and Crime Plan (2021-24). The strategy will be aimed at changing attitudes and improving our knowledge of and response to the crimes that predominantly affect women and girls so that no woman needs to live in fear and girls grow up knowing they are safe everywhere-at home, online and on the streets.

27.2. It is recognised that a holistic approach is required so that we can prevent these crimes from occurring. That is why we have a whole range of interventions from education in schools to change behaviour and mindset from an early stage, to targeted responses from people displaying such behaviour against women, and opportunities for women to feel empowered.

- 27.3. As part of our ongoing work, we have been keen to consult with the public too and hear what they would like us to do. Durham Constabulary joined the #Callitout campaign with a Call It Out survey. Some respondents suggested that to an extent, the heightened risk levels to women were accepted and suggested strategies whereby women could take positive actions to increase feelings of safety and self-protection.
- 27.4. Together with partners, we have been successful, in a Safer Streets Bid to the value of £453,813. This money will be used for several initiatives such as the deployment of a Multi-agency Response Team 2 nights a week, delivery of Vulnerability Awareness and training sessions to door staff and licensed premises, a Relationship Safety Education Programme in schools and colleges, and an engagement programme with sports clubs, a citizenship programme for cadets, an engagement programme to sports clubs and an empowerment and engagement programme for Women and Girls.
- 27.5. During the Public Accountability meeting the PCC asked a series of questions which had been submitted by the public. This enables a more transparent and direct link between the public and their police force.

#### **Public Accountability Meeting – Police Uplift Programme (PUP)**

28. The PCC held a Public [Accountability Meeting in March 2022](#) focusing upon the Police Uplift Programme.
- 28.1. The term 'UPLIFT' is used to describe officers who count towards the Government's commitment to recruit an additional 20,000 officers by March 2023. Durham's share of this is 226 additional officers. This does not include the officers who will retire and be replaced as part of normal business.
- 28.2. In January 2022, the OPCC carried out a consultation exercise prior to the setting of the police precept for this year where the residents of County Durham and Darlington were asked what matters most to them and what they want to see addressed to improve policing services across the County. This exercise was a further opportunity for the public to have their voices heard and inform local policing priorities.
- 28.3. In summary, 76.4% of respondents stated that they would like to see investment in Neighbourhood Policing. This included wanting to see more police officers, maintained Police Community Support Officer numbers, increased uniform visibility and reduced neighbourhood crime. Whilst 46.6% of respondents stated that they would like to see improved response times and meet increased demand for policing services. 91.4% considered tackling Anti-social behaviour as a priority. 60% stated that they would like to see an increase in the number of police officers.

28.4. It is a Key Deliverable within Police and Crime Plan to recruit more officers. It is what the public want and the force need to recruit and retain the best people. The PCC will continue to work with the Chief Constable and local partners to get more funding for County Durham and Darlington and to enable police officers and PCSOs to spend more time on our streets and show a visible presence.

### **Next Steps**

29. Together with partners across the force area, we submitted bids to the Home Office Safer Streets funding. The outcome of these bids will be announced in the next quarter, and if successful, funding will be used to implement various projects to address anti-social behaviour, neighbourhood crime and violence against women and girls. The amount requested are as such:
1. Durham City/Darlington Town Centre-VAWG £632,720
  2. Peterlee- Neighbourhood Crime and ASB £447,660
  3. Darlington- ASB £242,256
  4. Stanley/Ferryhill – Neighbourhood crime and ASB £146,533
30. Over the next period Quarter 1 2022/23 some of the areas which will be focused upon are contact management, domestic abuse and sexual violence, rural crime, alcohol, drugs and gambling.
31. The new iteration of the Quarterly Performance Report is now in place and will develop organically in terms of content moving forward.

### **Recommendations**

32. It is recommended that Panel members consider the report for discussion.

**Joy Allen**  
Police and Crime Commissioner

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**Appendix: Risks and Implications**

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**Finance**

N/A

**Staffing**

N/A

**Equality and Diversity**

N/A

**Accommodation**

N/A

**Crime and Disorder**

N/A

**Children's Act 2004**

N/A

**Stakeholder/Community Engagement**

N/A

**Environment**

N/A

**Collaboration and Partnerships**

N/A

**Value for Money and Productivity**

N/A

**Potential Impact on Police and Crime Plan Priorities**

Effective and efficient internal performance management processes are essential to delivering the Police and Crime Plan.

**Commissioning**

N/A

**Other Risks**

N/A

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## Police and Crime Panel

23<sup>rd</sup> June 2022

## PCC Decision Records

## Report of the Police and Crime and Commissioner

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### Purpose

1. To update Panel Members on the Police and Crime Commissioner's decision register for 2022 and address the forward plan.

### Background

2. Key decisions are made at an Executive Board comprising the PCC, the PCC's Chief Executive, the Chief Constable, and the Joint Chief Finance Officer. Other officers of the PCC or the Chief Constable will attend as and when required. On occasion it is necessary to take decisions outside of this process for reasons of expediency, but all relevant parties are consulted and informed.

### Decision Making Process

3. All key decisions are supported by a report setting out the decision required, all relevant factors to be considered, the outcome of any consultation undertaken and the risks and implications of the course of action being recommended.
4. An online record is maintained of all key decisions taken by the OPCC. This includes a link to any documents which are disclosable under FOI. This record includes decisions taken by the PCC or any person to whom delegated powers have been granted.
5. The PCC will consider holding public meetings when this will provide a means of consultation on decisions (i.e., precept consultation) where there is a clear interest in actively seeking views of the community.
6. The PCC may choose to delegate powers to any deputy appointed, her statutory officers or a senior member of police staff.
7. A record is kept of all decisions made under delegated powers detailing the factors taken into consideration, including any consultation carried out.
8. Decisions to be made by the PCC will relate in the main to her statutory functions and financial responsibilities. A Forward Plan for key decisions to be taken over a 3-month period will be published on the PCC's website.
9. Generally Key decisions are likely to include:
  - The preparation, drafting and issuing of the Police and Crime Plan
  - Issuing the precept

- Adopting a Medium-Term Financial Plan
- Commissioning of Services
- Preparation and issue of the Annual Report
- Any decision which is of significant public interest or impact either generally or on a particular locality
- Any decision which will incur revenue expenditure in excess of £100,000
- Any decision which will incur capital expenditure in excess of £100,000
- The approval of or adoption of strategies/policies
- Key procurement decisions
- Significant changes to the police estate
- Allocation of grants

10. Details of the Police and Crime Commissioner's Decision Register 2022 can be found in Appendix 2.

### **Recommendation**

11. That Panel Members note the contents of the report and ask any questions.

**Joy Allen**

**Police and Crime Commissioner**

**Finance**

All decisions with financial implications are made with value for money as a key consideration and are affordable within budgets.

**Staffing**

n/a

**Equality and Diversity**

n/a

**Accommodation**

n/a

**Crime and Disorder**

n/a

**Children's Act 2004**

n/a

**Stakeholder/Community Engagement**

Consultation with key stakeholders is carried out as appropriate to each decision.

**Environment**

n/a

**Collaboration and Partnerships**

Consultation with key partners is carried out as appropriate to each decision.

**Value for Money and Productivity**

n/a

**Potential Impact on Police and Crime Plan Priorities**

Decisions will impact directly or indirectly on the pursuit of Police and Crime Plan priorities.

**Commissioning**

Several decisions relate to commissioning of services.

**Other risks**

n/a

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Key Decisions

(Links to more detailed reports are available on the website)

Decision Number	Decision Taker	Details
2022-005	PCC	<p>The Deputy PCC on behalf of the PCC approved the proposals presented to the Commissioning Board on 25<sup>th</sup> February 2022.</p> <ul style="list-style-type: none"> <li>• Durham Pride <b>£14,849</b> to deliver tailored support to LGBTQ communities,</li> <li>• Just for Women <b>£22,000</b> to increase counselling and therapeutic interventions to address increased referral,</li> <li>• Changing Lives <b>£13,500</b> which offer support for men and women involved in sex work, survival sex and those vulnerable or exposed to sexual exploitation,</li> <li>• 700 Club <b>£7,500</b> – working with Darlington CSP who are keen to maintain this partnership working to reduce begging in Darlington Town Centre,</li> <li>• Section 59 Warning Signs <b>£1,670</b> to go up across the east of the county. The signs act as a warning not to ride illegal Off-Road Bikes and to allow enforcement in the first instance, and</li> <li>• Durham Youth Network <b>£2,000</b> – PCC to speak at the Conference at the Belmont Centre, contribution towards the event.</li> </ul>
2022-006	PCC	<p>The PCC approved (December 2020) the costs associated with the initial development and first year administration of a local Modern Slavery and Human Trafficking (MSHT) Network equating to <b>£22,500</b>. This service, co-commissioned with the Cleveland PCC Office, was awarded to the Robin Brierley Consultancy following a procurement exercise.</p>
2022-007	PCC	<p>The PCC approved the proposals presented to the Commissioning Board on 25<sup>th</sup> April 2022.</p> <ul style="list-style-type: none"> <li>• Women’s Safety Hub <b>£10,000</b> contribution towards a safe space which is a night safety hub in Durham City,</li> <li>• Female Recovery through Experience and Empowerment (FREE), <b>£10,000</b> contribution towards annual expenses for this trauma informed group working with the support of the Integrated Offender Management Unit, and</li> <li>• Durham Agency Against Crime (DAAC) to fund 50% of their premises annual rental for two years @ <b>£8,000</b> per year.</li> </ul>
2022-008	PCC	<p>The PCC approved the proposals presented to the Commissioning Board on 23<sup>rd</sup> May 2022.</p> <ul style="list-style-type: none"> <li>• Contribute <b>£2,700</b> for the Northeast Business Resilience Centre (NEBRC) Ltd to conduct a vulnerability assessment of the Advanced Learning Partnership (ALP) Multi-Academy Trust IT systems, and a cyber security policy review, generating an actionable report on ALP cyber weaknesses, using local undergraduate student ethical hackers.</li> <li>• Brake <b>£2,000</b> contribution to the National Road Victim Service (NRVS), which is delivered by Brake and offers support to those who have been bereaved or experienced life changing injuries as a result of a road traffic incident.</li> <li>• Durham Pride <b>£2,500</b> contribution towards the 2022 event, and</li> <li>• Open Clasp Theatre Company <b>£4,500</b> contribution to the project “Change the World, One Play at a Time” which uses theatre to help transform the lives of disadvantaged women and girls.</li> </ul>

2022-009	PCC	The PCC, having regard to the discretion available to her under the 2003 Police Regulations S11(2B), has decided that it is in the public interest to offer an extension to the Fixed Term Appointment of the Chief Constable Jo Farrell for two years. The extension means the contract will expire on 9th June 2027.
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### **Forward Plan**

- Commissioning and Grant Funding for 2022/23
- PCC Annual Report

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Police and Crime Panel

23<sup>rd</sup> June 2022

PCC Commissioning Update

Report of the Police and Crime and Commissioner



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**Purpose**

1. To update Panel Members of decisions taken at the Commissioning Boards in February, April, and May 2022.

**Commissioning Board Decisions**

2. The following decisions were taken at the Commissioning Board held on 25<sup>th</sup> February 2022:
  - Durham Pride **£14,849** to deliver tailored support to LGBTQ communities,
  - Just for Women **£22,000** to increase counselling and therapeutic interventions to address increased referral,
  - Changing Lives **£13,500** to offer support for men and women involved in sex work, survival sex and those vulnerable or exposed to sexual exploitation,
  - 700 Club **£7,500** to maintain partnership working to reduce begging in Darlington Town Centre,
  - Section 59 Warning Signs **£1,670** to go up across the east of the county, which act as a warning not to ride illegal Off-Road Bikes and to allow enforcement in the first instance, and
  - Durham Youth Network Conference **£2,000** contribution towards the event.
3. The following decisions were taken at the Commissioning Board held on 25<sup>th</sup> April 2022:
  - Women's Safety Hub **£10,000** contribution towards a safe space which is a night safety hub in Durham City,
  - Female Recovery through Experience and Empowerment (FREE), **£10,000** contribution towards annual expenses for this trauma informed group working with the support of the Integrated Offender Management Unit, and
  - Durham Agency Against Crime (DAAC) to fund 50% of their premises annual rental for two years @ **£8,000** per year.
4. The following decisions were taken at the Commissioning Board held on 23<sup>rd</sup> May 2022:
  - Contribute **£2,700** for the Northeast Business Resilience Centre (NEBRC) Ltd to conduct a vulnerability assessment of the Advanced Learning Partnership (ALP) Multi-Academy Trust IT systems, and a cyber security policy review, generating an actionable report on ALP cyber weaknesses, using local undergraduate student ethical hackers,

- Brake **£2,000** contribution to the National Road Victim Service (NRVS), which is delivered by Brake and offers support to those who have been bereaved or experienced life changing injuries as a result of a road traffic incident,
- Durham Pride **£2,500** contribution towards the 2022 event, and
- Open Clasp Theatre Company **£4,500** contribution to the project “Change the World, One Play at a Time” which uses theatre to help transform the lives of disadvantaged women and girls.

### **Recommendation**

5. To consider the report and provide any comments and questions.

**Charles Oakley**  
Head of Governance & Finance

**Finance**

All funding decisions are reflected in the OPCC 2022/23 budgets.

**Staffing**

n/a

**Equality and Diversity**

n/a

**Accommodation**

n/a

**Crime and Disorder**

Many of the projects are aimed at reducing crime and disorder.

**Children's Act 2004**

n/a

**Stakeholder/Community Engagement**

Information about the PCC's funding streams is set out in the Police and Crime Plan.

**Environment**

n/a

**Collaboration and Partnerships**

n/a

**Value for Money and Productivity**

Value for Money is a key consideration in the allocation of all funding.

**Potential Impact on Police and Crime Plan Priorities**

All funding is expected to have a positive impact on priorities.

**Commissioning**

As per the report.

**Other risks**

n/a

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**Police and Crime Panel**

**23<sup>rd</sup> June 2022**

**HMICFRS inspections**



**Report of the Police and Crime Commissioner**

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**Purpose**

1. To brief the Police and Crime Panel on the findings of the recent report by HM Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) that has required a direct PCC comment, listed below:
  - A joint thematic inspection of the police and Crown Prosecution Service's response to rape - Phase two: Post-charge.

**A joint thematic inspection of the police and Crown Prosecution Service's response to rape - Phase two: Post-charge.**

2. This is the second phase of an inspection into the response to rape by the Crown Prosecution service and the Police. A summary of the inspection's findings is as follows:
  - Police and prosecutors should review and significantly improve communications with victims from the point of charge onwards;
  - the Ministry of Justice should set up specialist rape offence courts to help clear the significant Crown Court backlog of rape cases; and
  - the Home Office and the Ministerial Lead for Rape and Serious Sexual Offences should consult widely on the benefits of a commissioner with explicit responsibility for tackling rape and serious sexual offences.
3. Durham Constabulary are currently working to provide assurance on a series of areas which the report highlights. This is inextricably linked to the far-reaching work which is ongoing in terms of tackling violence against women and girls. The areas which have been cited in the recommendations, and those which the PCC will be looking for further assurance upon in the coming months are, victim communication from the point of charge onwards, police role in considering bad character evidence in rape investigations, and ensuring victims are able to give victim personal statements at the earliest opportunity.

## **Recommendations**

4. That the Panel notes the content of the inspection report.

**Joy Allen**  
Police and Crime Commissioner

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**Appendix 1: Risks and Implications**

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**Finance**

N/A

**Staffing**

N/A

**Equality and Diversity**

N/A

**Accommodation**

N/A

**Crime and Disorder**

N/A

**Children's Act 2004**

N/A

**Stakeholder/Community Engagement**

N/A

**Environment**

N/A

**Collaboration and Partnerships**

N/A

**Value for Money and Productivity**

N/A

**Potential Impact on Police and Crime Plan Priorities**

N/A

**Commissioning**

N/A

**Other risks**

N/A

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## **Durham Police and Crime Panel**

**23 June 2022**

### **Home Office– White Paper Consultation 'Reforming Our Fire and Rescue Service'**

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## **Report of Helen Lynch, Head of Legal and Democratic Services**

### **Electoral division(s) affected:**

None

### **Purpose of the Report**

- 1 To present the Durham Police and Crime Panel with supporting information on consultation of the government's white paper titled 'Reforming our Fire and Rescue Service'.

### **Executive summary**

- 2 This report provides a summary of a current consultation to seek opinion to the Government's white paper proposing reform of fire and rescue services within England.
- 3 The White Paper sets out the Government's proposals to transfer responsibility of fire and rescue governance to a directly elected person. This report summarises the proposals and recommends that the Panel holds a workshop to formulate its response to the government's consultation.

### **Recommendation**

- 4 The Police and Crime Panel are asked to
  - (a) Note information within this report, and
  - (b) Agree to hold a workshop to formulate a panel response to the Government's consultation.

- (c) To delegate authority to the Clerk to the Panel in consultation with the Chair and Vice-Chair of the Panel to prepare, finalise and submit the consultation response on behalf of the Panel following the workshop.

## Background

- 5 The Home Office White Paper entitled “Reforming Our Fire and Rescue Service: Building professionalism, boosting performance, and strengthening governance” was presented to Parliament by the Secretary of State on the 18 May 2022. A copy of the white paper consultation document is attached in Appendix 2.
- 6 The white paper includes a range of proposals for the reform of fire and rescue services in England. The proposals cover three principal areas in the reform vision: People, Professionalism and Governance.
- 7 The Government are seeking to gather views through response to 47 consultation questions linked to the three principal areas. The consultation is open from the 18 May 2022 until the 26 July 2022.

## People, Professionalism and Governance

- 8 As identified, the white paper seeks to drive improvement within three areas, well-trained and supported **people**, high levels of **professionalism** and strong and effective **governance**. Within this context, this report provides a summary of the people and professionalism areas of the paper but has a greater focus on the governance element as the most relevance and potential impact on the police and crime panel.

## People

- 9 This element of the paper covers the role of Fire and Rescue Services, modern working practices, public safety business continuity, pay negotiation, nurturing new and existing talent. The consultation seeks views on proposals for Fire and Rescue Services to have the flexibility to deploy resources to help address current and future threats faced by the public beyond core its core duties and play an active role in supporting the wider health and public safety agenda.
- 10 In addition, views are sought within the consultation on whether business continuity requirements within the Civil Contingencies Act 2004 provide sufficient oversight to keep the public safe in the event of strike action and if current pay negotiation arrangements are appropriate.
- 11 With regard to nurturing new and existing talent, the consultation seeks opinion on exploring consistent entry requirements for Fire and Rescue Service roles and if other roles in addition to station and area managers would be benefit from a direct entry and talent management scheme.

## Professionalism

- 12 This section is split into five areas of leadership, data, research, ethics and clear expectations for fire and rescue services. In relation to leadership, the consultation seeks views on proposals to introduce a leadership programme and for this programme to be mandatory before becoming an assistant chief fire officer or above graded officers.
- 13 For the areas of ethics and clear expectation, the White Paper proposes the creation of a statutory code of ethics for fire and rescue services in England and the introduction of a fire and rescue service oath as a promise to uphold the principles within the statutory code.
- 14 The White Paper also proposes the five key areas identified within paragraph 11 as priorities for professionalising fire and rescue services and that this could be led by the creation of an independent College of Fire and Rescue.

## Governance

- 15 This section of the report covers current governance structures, options to transfer governance to directly elected individual, boundaries, fire funding, a balanced leadership model, legal entity of Chief Fire Officers and clear distinction between strategic and operational planning.
- 16 There are currently 44 Fire and Rescue Authorities across England operating under a range of different governance models, to which 38 operate a committee structure that the government propose to replace with executive oversight by a directly elected individual. The White Paper proposes this to be either a Combined Authority Mayor, Police and Crime Commissioner or another option such as an Executive Councillor. Each of these options would have a formal scrutiny panel.
- 17 The government's preferred governance model is one that meets the following criteria:
  - has a single, elected – ideally directly elected – individual who is accountable for the service rather than governance by committee
  - there is clear demarcation between the political and strategic oversight by this individual, and the operationally independent running of the service by the chief fire officer
  - that the person with oversight has control of necessary funding and estates

- decision-making, including budgets and spending, is transparent and linked to local public priorities
- 18 The White Paper consultation document then asks the following questions
- To what extent do you agree/disagree that Government should transfer responsibility for fire and rescue services in England to a single elected individual?
  - What factors should be considered when transferring fire governance to a directly elected individual?
- 19 With regard to the Mayoral model, the document states that the government would like to see more combined authority mayors exercising public safety functions where boundaries allow.
- 20 The Panel will note that of the eight existing mayoral combined authorities without fire and rescue functions currently, four (Cambridgeshire & Peterborough, Sheffield City Region, West Midlands and West Yorkshire) are already coterminous with fire and rescue boundaries. Subject to the White Paper consultation, the government will explore options for transferring the fire functions directly to the Mayoral Combined Authorities for exercise by the Mayors in these areas at the earliest opportunity. The four remaining existing Mayoral Combined Authorities (Liverpool City Region, North of Tyne, Tees Valley and West of England) are not currently coterminous with fire and rescue boundaries and so, subject to this consultation, the government will need to consult with those in the local areas to establish the way forward. The paper then asks the following question:
- Where Mayoral Combined Authorities already exist, to what extent do you agree/disagree that fire and rescue functions should be transferred directly to these MCAs for exercise by the Mayor?
- 21 The Police and Crime Act 2017 introduced measures for Police and Crime Commissioners to take on oversight of their local fire services and it was for each Commissioner to determine if they wanted this responsibility and if so to submit a proposal to the Home Secretary. To date, four areas have made the transition to a police, fire and crime commissioner and the paper includes examples of how police and fire services are working collaboratively in those areas.
- 22 The paper explains and provides feedback from the Home Office's PCCs review considered how PCCs' accountability could be strengthened, and their role expanded in line with the government's

manifesto commitment, and considered the benefits of directly elected oversight of fire services. The paper then asks the following question:

- To what extent do you agree/disagree that Government should transfer responsibility for fire and rescue services in England to police and crime commissioners?

23 The Home Office recognises that, in some areas, there may be a preference for a different option other than a PCC or Mayor, such as an Executive Councillor. This may be where a Fire Service is already part of a county council or where boundaries are not well aligned. Therefore, the Government will consider other options, although any option will need to meet the criteria as listed in paragraph 16, particularly the need for clear executive, rather than committee leadership. The paper then asks the following question

- Apart from Combined Authority Mayors and Police and Crime Commissioners, is there anyone else who we could transfer fire governance that aligns with the principles set out above?

24 This section of the paper also explores the opportunity as part of a governance change to strengthen and clarify the legal basis against which Fire and Rescue Authorities operate. The document explains that in transferring responsibility to a single individual, the government could also put good governance principles in statute. For example, legislation could set out the role and function of the Fire and Rescue Authorities including its oversight and scrutiny functions, specifying how transparency objectives should be met, and clarifying the relationship between political oversight and operational decision making. The paper then asks the following question

- To what extent do you agree or disagree that the legal basis for Fire and Rescue Authorities could be strengthened and clarified?

25 The consultation paper highlights that regardless of which option is identified as the executive leader, each would need a body to scrutinise their decision making. The paper then explains that Part 2 of the Home Office's review of PCCs is assessing current scrutiny arrangements of PCCs in more detail and how they could be improved. Within this context the Home Office will consider these findings and what may be the appropriate scrutiny arrangements for fire.

26 With regard to boundaries, to transfer fire governance to an elected official, the boundaries of the police force/combined authority/ county council must align to ensure a consistent electoral mandate across the area. Across most of England, the boundaries for Fire and Rescue Services and Police Forces/Combined Authorities (where present) are

coterminous, making the transfer of governance to Combined Authority Mayors and PCCs practicable. The document also explains suggestions were there are two Fire Services within one Police Force area and in south west England where fire and police boundaries do not align. The paper then asks the following question

- To what extent do you agree/disagree that boundary changes should be made so that fire and rescue service areas and police force/combined authorities (where present) areas are coterminous?

27 A Balanced Leadership model is proposed within the document. The Home Office believe that these governance changes will result in an executive leader being required to produce a strategic fire and rescue plan listing their priorities, while the chief fire officer would focus on their operational requirements to meet those priorities without the current prolonged negotiations. The Home Office believe that Chief Fire Officers not having operational independence creates a barrier to effective and efficient services.

28 The Government will propose legislation to clearly define the role and responsibilities of both the Executive Leader and Chief Fire Officer with clear demarcation between the two. The consultation paper includes the following table to illustrate the proposed split of responsibilities between the Executive Leader and Chief Fire Officer.

<b><u>Task</u></b>	<b><u>Responsible</u></b>
<u>Setting priorities</u>	<u>Executive leader</u>
<u>Budget setting</u>	<u>Executive leader</u>
<u>Setting precept</u>	<u>Executive leader</u>
<u>Setting response standards</u>	<u>Executive leader</u>
<u>Opening and closing fire stations</u>	<u>Executive leader*</u>
<u>Appointment and dismissal of chief fire officer</u>	<u>Executive leader</u>
<u>Appointment and dismissal of other fire service staff</u>	<u>Chief fire officer</u>
<u>Allocation of staff to meet strategic priorities</u>	<u>Chief fire officer</u>
<u>Configuration and organisation of resources</u>	<u>Chief fire officer</u>
<u>Deployment of resources to meet operational requirements</u>	<u>Chief fire officer</u>
<u>Balancing of competing operational needs</u>	<u>Chief fire officer</u>
<u>Expenditure up to certain (delegated) levels</u>	<u>Chief fire officer</u>

\*Opening and closing of fire stations could be a joint decision; operationally fire chiefs could be responsible for decisions on moving teams, whilst ultimate political and executive responsibility lies with the executive leader.

29 The paper then asks the following question

- To what extent do you agree with this proposed approach (as outlined in the table above)?

## Conclusion

- 30 The White Paper attached in Appendix 2 contains a number of proposals that if implemented would have an impact on the role and responsibilities of the Durham Police and Crime Panel. Within this context it is suggested to hold a workshop session to consider this document and formulate a response from the panel to the government's consultation.

## Background papers

- None

## Other useful documents

- None

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	Jonathan Slee	Tel: 03000 268142

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## **Appendix 1: Implications**

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### **Legal Implications**

The White Paper makes a number of proposals that if implemented would impact on the current role and responsibilities of the Durham Police and Crime Panel.

### **Finance**

None

### **Consultation**

The report presents the Government's consultation for its White Paper to reform Fire and Rescue Services within country. The report also recommends a workshop session to enable a response from the Durham Police and Crime Panel.

### **Equality and Diversity / Public Sector Equality Duty**

None

### **Climate Change**

None.

### **Human Rights**

None

### **Crime and Disorder**

This is a key focus of the role of the Police and Crime Commissioner and Police and Crime Panel.

### **Staffing**

None

### **Accommodation**

None

### **Risk**

None

### **Procurement**

None.

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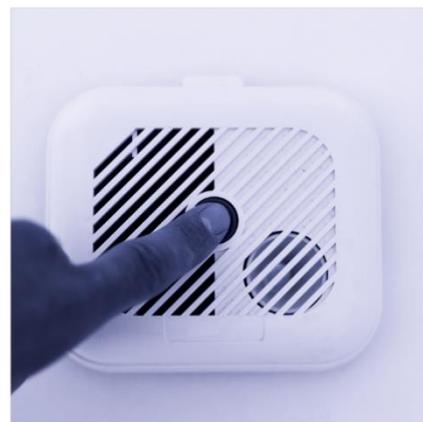
Home Office

# Reforming Our Fire and Rescue Service

Building professionalism, boosting performance and strengthening governance

May 2022

CP 670







# Reforming Our Fire and Rescue Service

**Building professionalism, boosting performance  
and strengthening governance**

Presented to Parliament  
by the Secretary of State for the Home Department  
by Command of Her Majesty

May 2022



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## About this consultation

**To:** This white paper and consultation covers a package of proposals for the reform of fire and rescue services in England. The proposals cover three principal areas of the reform vision: People, Professionalism and Governance. Views are sought on the specific proposals and the wider package of reforms presented.

**Duration:** From 18/05/22 to 26/07/22

**Enquiries (including requests for the paper in an alternative format) to:** **Email:** [firereformconsultation@homeoffice.gov.uk](mailto:firereformconsultation@homeoffice.gov.uk)

Or

Fire Reform Consultation  
Fire Strategy & Reform Unit  
4th Floor, Peel Building  
2 Marsham Street,  
London  
SW1P 4DF

**How to respond:** There are three thematic sections in this consultation. Each section is divided into topical chapters which provide background information to the lead question(s).

Respondents can answer as many or as few questions as they wish. You do not have to comment on every section or respond to every question in each section but can focus on where you have relevant views and evidence to share. If you wish to respond to all questions, you do not have to complete the whole form at once.

Please send your response by 11:59pm on 26 July 2022

Please respond to the questions in this consultation online at:

<https://www.gov.uk/government/consultations/reforming-our-fire-and-rescue-service>

Alternatively, you can send in electronic copies to: [firereformconsultation@homeoffice.gov.uk](mailto:firereformconsultation@homeoffice.gov.uk); or,

Alternatively, you may send paper copies to:  
Fire Reform Consultation  
Fire Strategy & Reform Unit  
4th Floor, Peel Building  
2 Marsham Street,  
London  
SW1P 4DF

**Additional ways to respond:** If you wish to submit other evidence, or a long-form response, please do so by sending it to the email address or postal address above.

**Response paper:** A response to this consultation exercise is due to be published at:  
<https://www.gov.uk/government/consultations/reforming-our-fire-and-rescue-service>

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# Ministerial Foreword

## Home Secretary



I never cease to be impressed by the dedication of our fire and rescue professionals. As Home Secretary, I have always regarded the police as the first public service but I have come to realise that the fire and rescue service plays an equal part. Together they provide vital pillars of support in the mission to keep the public safe which is the first duty of any government.

It has been a challenging period for us all. Despite the difficulties that we have faced, I have been immeasurably proud to witness the efforts of fire and rescue services in responding to the needs of our communities throughout the Covid-19 pandemic. Fire and rescue professionals have taken on a number of the responsibilities that the emergency demanded. From driving ambulances, supporting the vulnerable, to managing food and distribution hubs and administering vaccinations, fire and rescue services have been ready, willing and able to play a critical role in protecting communities. I would also like to acknowledge the important role on call firefighters provide in keeping their communities safe. Looking beyond our borders, I was proud to be able to offer the expertise of our fire and rescue services to help their Greek colleagues in the fight against horrific wildfires in the summer of 2021.

We are immensely grateful for their efforts. We should strip away any barriers that hold our fire professionals back and provide them with the support they deserve.

Our fire and rescue services protect communities and save lives. It is imperative that they are fully supported to respond to the changing risks they face. This means building on the response to the pandemic, learning from major public inquiries, and responding to the challenges identified by Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) in relation to leadership, culture and collaboration.

Nonetheless, there is a compelling case for reform of our fire and rescue services. Both of Sir Thomas Winsor's HMICFRS State of Fire reports have concluded that significant reform is needed. The need to improve the emergency response of fire and rescue services to a major incident is compelling. The fire at Grenfell Tower was a national tragedy resulting in the greatest loss of life in a residential fire since World War 2. The Grenfell Tower Inquiry Phase 1 report made 46 recommendations for the London Fire Brigade (LFB), all fire and rescue services, other emergency services, building owners and the government. The government has committed to implementing all 46 recommendations in the most practical and proportionate way possible. An independent report (known as the Kerslake report) into the Manchester Arena bombing found that the Greater Manchester Fire and Rescue Service was "bought to a point of paralysis" as their response was delayed for two hours. The need to improve fire protection is also clear. Dame Judith Hackitt's review into building safety, alongside the Grenfell Tower Inquiry, has highlighted its importance.

Now the government must take action to enable fire and rescue services to perform and fulfil their core functions of prevention, protection, response and resilience effectively in a way that responds to the local needs, the changing risks and challenges faced, and that enables collaboration with other emergency services on a range of public safety challenges. This white paper sets out this government's vision for fire reform.

## **Fire Minister**



The white paper concerns the reform and strengthening of fire and rescue services in England. This builds on fire and building safety system reform in recent years and the government response to the fire at Grenfell Tower. Our vision for the reform seeks to drive change and improvement in three key areas: People, Professionalism and Governance.

### **People**

Our reform proposals seek to introduce changes that will allow fire professionals to further develop their skills and thrive in their work. We want to clarify the role of fire and rescue services and of the firefighter, unlock talent and improve diversity within services, take action to ensure that we are supporting the creation of a positive culture, and further develop schemes to consistently identify and nurture talent. Finally, we will commission an independent review into the current pay negotiation process and consider if it is fit for a modern emergency service.

### **Professionalism**

Our reform proposals seek to modernise the fire and rescue service, to enable greater professionalism and to ensure that we are recruiting and training our fire and rescue services to be the best that they can be. We want to increase professionalism by moving from a Fire Standards Board (which sets clear expectations for the sector) to the creation of a College of Fire and Rescue. We want to develop a mandatory 21st century leadership programme for progression to senior roles, set clearer entry requirements for recruitment, and put in place a statutory code of ethics and a fire and rescue service oath.

### **Governance**

Our reform proposals seek to strengthen governance arrangements across the sector. Out of 44 fire and rescue authorities, 38 operate a committee structure. We want to transfer fire functions to a single, elected – ideally directly elected – individual who would hold their operationally independent Chief Fire Officer to account. This person could be: a mayor who could delegate day-to-day oversight to a deputy mayor; or a council leader who could delegate to a cabinet member or a police, fire and crime commissioner. This effective political oversight would maintain and enhance public accountability.

Fire professionals put their lives on the line to protect and serve their communities. It is only right that they have our full support. This Fire Reform white paper is the first step towards reforms that will achieve this profoundly essential public interest objective.

# Building on Success

## **The Case for Change**

The government intends, through this White paper, consultation and future legislation to strengthen fire and rescue services across England.

Our ambition is to develop services with communities at their heart that provide excellent support and development for their teams. This will be underpinned by clear decision-making processes and operational leaders who are empowered to plan and respond quickly to new challenges held to account by a single executive leader, ideally a directly elected politician. We want to ensure that services play to their strengths in responding to emergencies, as well as sharpen their focus on their prevention and protection functions. This will allow service leaders and their professional teams to face the future with confidence, reduce the risk of harm, and help keep people safe.

Fire and rescue is already a highly skilled profession. We want to support staff further, ensuring that they are given the opportunities, development, and oversight to match their status. Our fire and rescue professionals and our communities deserve nothing less.

## **Fire and Rescue Reform to Date**

The proposals in this white paper build on a legacy of reform of fire and rescue services introduced by the Home Office over recent years. Changes have been designed to make services and those working within them more able to work efficiently and effectively, and to adapt to the public safety challenges and emergencies we face, both now and in the future.

The reforms of the past five to ten years have seen the establishment of an independent inspection regime to report to the public on the efficiency and effectiveness of fire and rescue services, stronger national coordination amongst operational leaders, increased government funding for service improvement, and the development of clear and consistent expectations of fire and rescue services. We have supported fire and rescue services as they serve the most vulnerable in communities. We have done this by increasing both the focus and funding for fire protection, nationally and locally, by helping services across England to respond to the lessons highlighted by the Grenfell Tower tragedy, and by continuing to promote fire prevention, including through the national Fire Kills campaign.

We have also strengthened the governance of fire and rescue services by legislating to enable police and crime commissioners (PCCs) to take on responsibility for services, with the intention of improving their transparency, collaboration and accountability.

While meaningful national and local reform has taken place, recent inspections and inquiries have established that there is further to go to ensure both employees and the public are getting the support and service they should expect. That is why the government proposes to introduce a comprehensive reform programme, as set out in this white paper.

## **Stepping Up During the Pandemic**

The Covid-19 pandemic has been a huge challenge for all emergency services, and we are proud of how fire and rescue employees across the country stepped up to support their communities.

Last January, HMICFRS highlighted how services continued to respond to fires and other emergencies, while also supporting communities through one of the most difficult periods in our country's history. Most services were involved in proactive work through their local resilience forums (LRFs) – from supporting strategic coordination of the multi-agency response, driving ambulances and joining multi-agency teams responding to deaths in the community, to delivering food and medicines to the vulnerable and using their skills to help others to work safely.

However, the report also highlighted the barriers services face to becoming more effective and efficient, including the challenges posed by a sluggish national negotiation system for pay and conditions, between unions and employers. For example, during the early stages of the Covid-19 pandemic, service leaders were not able to deploy their staff to support communities in a timely manner. Instead, a series of national agreements (the 'tripartite agreement') had to be painstakingly negotiated before fire and rescue professionals could act. In the pandemic this process slowed down – and in some places, stopped – services fully supporting their communities.

Following the end of the restrictive national agreements, services were freed up to safely provide an even greater range of support to their communities. Chief fire officers were able to work with local partners to take a leading role in testing and vaccine logistics, and in administering vaccinations in many areas. This work is rightly a source of pride for service leaders and fire and rescue professionals who, empowered to make operational decisions and risk assessments at a local level, were able to step up to serve their communities.

## **Shining a Light Through Independent Inspection**

Independent, expert, objective and fearless inspection is essential to the promotion of improvement. On the basis of rigorous analysis of evidence and professional judgment, it establishes where policies and practices are working well, so they can be adopted everywhere, and it explains to services, elected representatives and the public where things are not as they should be. Its analysis and the reasons for its conclusions and recommendations for improvement are fully explained, so that services, the public and others can see and easily understand them.

Since 2018, every service in England has been inspected at least twice. Her Majesty's Chief Fire and Rescue Inspector, Sir Thomas Winsor, has produced three annual State of Fire and Rescue reports that have provided clear assessments of the state of the sector and highlighted where reform is needed. They have been significant catalysts for our proposals to further strengthen services.

The inspectorate found that while the fire and rescue services have many commendable strengths, the system needs national and local reform. Based on the inspectorate's reports, it is clear that the strength of fire and rescue services is rooted in their operational response. When the public dial 999, services will respond with highly skilled and committed crews. While response is the most urgent function of a fire and rescue service, some services have unduly neglected vital protection and prevention work. And while some services have taken steps to improve productivity, more could and should be done to ensure that they are making the best use of public resources in ways that always put communities first.

Sir Thomas recognised that in recent years some reform and innovation has been implemented, but improvements have been sporadic. To date, the inspectorate has made six national recommendations. These include: improving the governance of services by granting chief fire officers operational independence to enable flexibility; providing greater clarity on the precise scope of the role of the fire and rescue service, improving the transparency and effectiveness of the negotiation mechanism for pay and conditions; and putting in place measures to improve the culture in fire and rescue services.

### **Lessons from Grenfell**

The fire at Grenfell Tower, on 14 June 2017, is an indelible tragedy in the history of our country. The Grenfell Tower Inquiry Phase 1 report (GTI phase 1) made 46 recommendations for the London Fire Brigade, all fire and rescue services, other emergency services, building owners and the government. The government has worked alongside service leaders to ensure that action is being taken across the country, supported by legislative change and significant additional funding to drive improvement. The reforms set out in this white paper will complement the work already underway to strengthen fire safety and protection - building the capacity and capability within services that our communities deserve.

Last April, the government secured the passage of the Fire Safety Act 2021. The Act establishes that the scope of the Regulatory Reform (Fire Safety) Order 2005 (FSO) applies to the structure, external walls and flat entrance doors. On 17 March 2021, the government published its response to the fire safety consultation which set out proposals to strengthen fire safety in all regulated buildings in England. Further changes will be introduced through the government's Building Safety Bill, which will enable the establishment of a Building Safety Regulator, as part of the overhaul of building and fire safety regimes for higher-risk buildings. Furthermore, the government held a consultation from 8 June to 19 July 2021 to seek people's views on proposals relating to the complex issue of Personal Emergency Evacuation Plans (PEEPs). While there was considerable support for the idea of PEEPs, the consultation also raised operational challenges to implementing PEEPs in high rise residential buildings which typically would have no staffing or very limited staffing. Concerns include the practical challenges of ensuring safety when evacuating using the stairs, both for the vulnerable persons with the PEEPs and for other residents using the same stairwell; and the operational impact on firefighters using the same space. Further, there are concerns that, if extra staff are needed to make PEEPs work, it would result in disproportionately increased costs for residents. We intend to shortly propose a collection of initiatives that

together seek to achieve our policy aim of enhancing the safety of residents in high rise residential buildings whose ability to self-evacuate may be compromised in a way that is proportional and implementable. While this package would not directly implement the PEEPs-related recommendations in the GTI Phase 1 report, we are confident that it will satisfy the principles of improved fire safety of vulnerable persons behind the recommendations. The government intends shortly to lay regulations that implement the majority of the recommendations made by the Inquiry's Phase 1 report which require a change in the law.

The need to strengthen fire protection is clear. Dame Judith Hackitt's review into building regulations and fire safety, the Grenfell Tower Inquiry, other fires and HMICFRS inspection findings have highlighted its importance. That is why we provided £30 million in additional funding during 2020/21 and have continued to provide further funding this financial year. This funding supports services to review or inspect every high-rise residential building in England by the end of 2021 and strengthen the response to risks in other buildings, including residential buildings under 18 metres, care homes and hospitals. £7 million of this funding helped services to implement Grenfell recommendations through new training, equipment (such as smoke hoods) and technology to support communications and control room systems. In addition, we have commissioned research to support the development of national guidelines on evacuations from high-rise buildings.

### **A Clear Role for Fire and Rescue Services**

The role of the fire and rescue authority (FRA) is set out in the Fire and Rescue Services Act 2004 and the Civil Contingencies Act 2004. However, the work of fire and rescue services has evolved over the years. The built environment has become more complex and the nature of the risk facing communities has changed. The vulnerability of occupants is having a tangible impact on how services manage and respond to risk. Prevention, legislation, regulation, innovation and better building and product design have mitigated some longstanding public safety risks, and communities are safer as a result. This major public service success story does not get the recognition it deserves.

Historically, services have managed their resources to meet foreseeable risks to the public. But cumbersome industrial relationships have limited chief fire officers' ability to flexibly use their resources to truly meet changing risk, for example, by changing working patterns to respond to changing demand. Services need to plan for instances where they may need to simultaneously respond to large scale emergencies and a range of smaller incidents. Furthermore, staff need to be trained to respond to incidents safely, adapting to the ever-changing nature of malicious risks, such as terrorist incidents. The challenge, then, is to ensure flexibility so that fire and rescue professionals can fully serve their communities in partnership with other services. Crucially, local flexibility must be available to operationally independent service leaders to make the best use of their people and assets, balancing innovation with the core functions established in statute.

# The Way Forward - Strengthening our Fire and Rescue Service

The case for strengthening fire and rescue services is clear. We want to improve the offer to professionals and the public, ensuring that services can adapt and change.

## Our Vision

We want to see services providing excellence in their core prevention, protection, response, and resilience functions, responding to local needs in line with national expectations and guidance. Services will be helped to make the best use of the resources available to them, with the ability to come together quickly and respond safely to local and national emergencies, based on good data and evidence. Services need to be more able to adapt to changing threats and risks, working flexibly with other local partners.

Chief fire officers will be skilled leaders and managers, with clear responsibility to run and manage their services effectively and efficiently, in order to meet their local risk. Strong political, executive oversight will ensure services are properly accountable to the communities they serve and run in the public interest.

Twenty-first century fire and rescue services will embrace an ethical culture that attracts and retains talented people, values diversity and reflects the communities they serve. Their employees will be well supported and trained to do their jobs. At the same time, services will embrace learning, use data and evidence to inform their decision-making, and share best practice and innovation.

Employment arrangements across the sector need to be modernised. They need to be more transparent and should recognise staff for their skills and competence and not just for time served. The interests of all parties will be fairly represented during discussions on pay, terms and conditions and other workplace matters.

## People, Professionalism and Governance

Our reform agenda seeks to drive improvement in three essential areas: well-trained and supported **people**; high levels of **professionalism**; and strong and effective **governance**.

On **People**, it is vital that fire and rescue services create an environment where they get the best out of their people. Staff should feel confident that they will be supported to reach their full potential, with accessible development opportunities and structured learning available. As recommended by HMICFRS, the role of fire and rescue services needs clarification with greater local flexibility for firefighters and staff to add value; the proposals in this white paper seek to address this recommendation, amongst others. Furthermore, fire and rescue professionals should be supported by a professional pay negotiation process. The current National Joint Council has strayed beyond its original scope and into negotiation of operational response, which should be a matter for operational leaders.

On **Professionalism**, this white paper examines how we can continue to support fire and rescue professionals to help them better protect their communities. Our reform plans set out

our ambition for an independent College of Fire and Rescue focussed on the following five areas:

- Research
- Data
- Leadership,
- Ethics
- Clear expectations for fire and rescue services

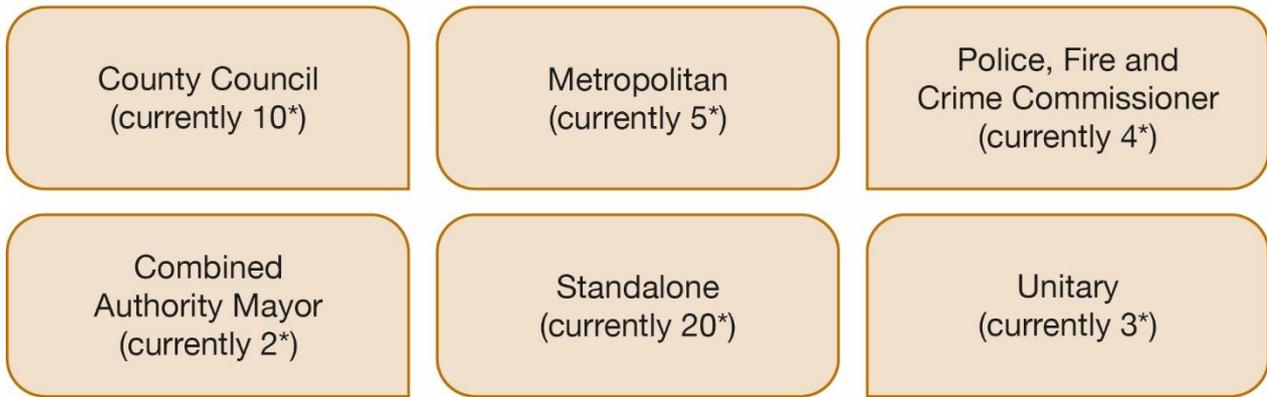
Subject to the response to the consultation, this College of Fire and Rescue could be located at an existing body such as a training provider, fire and rescue service or other professional body. This could include the Fire Service College (FSC) at potentially no cost, for example, given its historic links to government. The FSC is one of a number of training providers, all with a similar market share, available to fire and rescue services. We would like to hear from potential hosts to understand where the proposed college could be located given the potential benefit to both the host and the college of co-location. The proposed college should take on the functions carried out currently by the Fire Standards Board, which sets out clear expectations for the sector. Development opportunities for staff should include support for progression to leadership roles and development schemes to identify and nurture talent. Further, we want to examine the opportunity to support a consistently positive culture within services through the creation of a statutory code of ethics and a fire and rescue service oath.

On **Governance**, the lack of executive oversight in most FRAs and the variation and inconsistency between governance models have hampered accountability and transparency for the public. A review of the role of PCCs found that simplifying and strengthening the governance regime for fire services across England is critical to unlocking the wider reforms that are needed. We are setting out criteria for good governance and our ambition is to move governance to an executive leader, such as a combined authority mayor, a police, fire and crime commissioner (PFCC), or a county council leader. These options are illustrated in Figure 1. They, as ‘the Occupant’, would be able to delegate some or all of their day-to-day responsibilities to a deputy mayor, deputy PFCC or council cabinet member respectively. We also intend to implement HMICFRS’s recommendation to confer operational independence on chief fire officers. This will enable the chief fire officer to have direction and control over their resources to meet the executive leader’s priorities. We propose – whether in primary legislation or statutory guidance – to clearly define the role and responsibilities of both the executive leader and chief fire officer with clear demarcation between the two. Effective governance will ensure a publicly accountable figure can set clear priorities and hold the chief fire officer firmly to account for their performance in order to best deliver for the public.

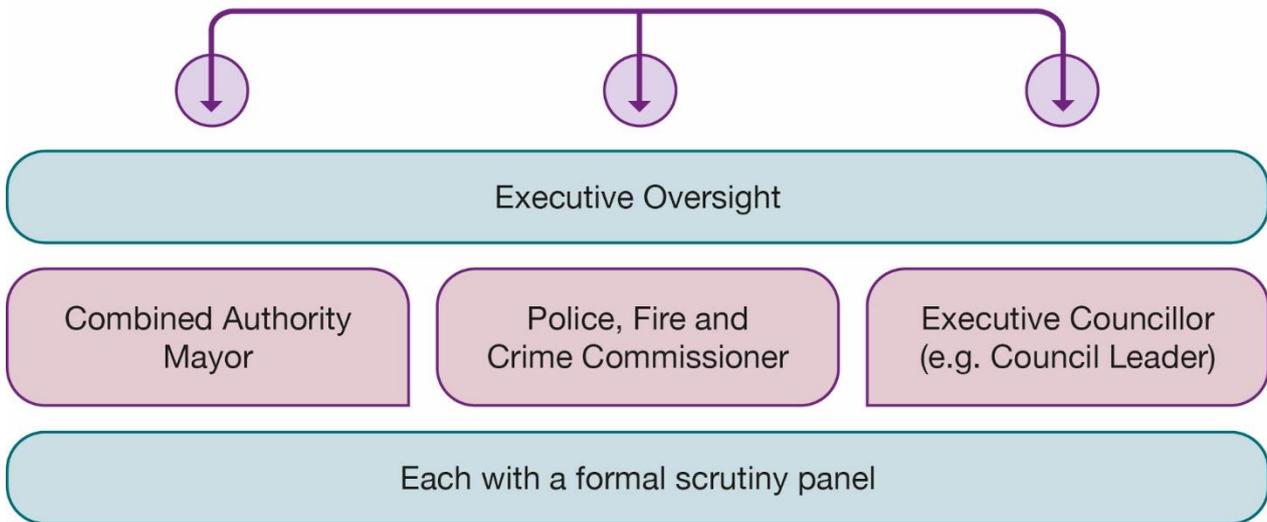
This could be alongside making chief fire officers corporations sole, thereby making them the employers of fire professionals.

We believe that these governance changes will enable effective executive oversight to hold an operationally independent chief fire officer to account with appropriate support and challenge. The executive would be required to produce a strategic fire and rescue plan listing their priorities while the chief fire officer would focus on their operational requirements to meet those priorities. Finally, we do not wish to lose the skills and experiences of existing councillors on the fire and rescue authority who could be used to scrutinise the decisions of this individual.

### Current Types of Fire and Rescue Authority



### Proposed reform



\*fire and rescue authorities as at 1 January 2022

# People

The biggest asset available to fire and rescue services is the people who work for them. Their dedication and skill, and the respect they command from their communities, make them a crucial part of the public safety system. We are committed to ensuring that fire and rescue employees are representative of the communities they serve and are equipped with the skills they need to reduce risk, save lives, and meet the challenges of the future.

However, current working practices are highly inflexible and, in some services, no longer reflect the range of incidents faced. In his 2020 State of Fire and Rescue report, Sir Thomas Winsor recognised that for services to better serve the public, they need to be able to adapt and do things differently. He noted substantial barriers to change and efficiency and recommended that the government takes an active role in clarifying fire fighters' true responsibilities and improves the mechanism for establishing pay and conditions.

## **The Role of Fire and Rescue Services**

The principal role of fire and rescue services is to keep the public safe through prevention, protection and response work. The statutory functions of fire and rescue authorities are set out in the Fire and Rescue Services Act 2004. Furthermore, the Civil Contingencies Act 2004 sets out their role as Category 1 responders in response to civil emergencies. This includes their increasingly significant role in local resilience forums, civil protection and in incidents where there is the threat of serious damage to human welfare or the environment.

The Cabinet Office's Integrated Review 2021 put an increasing focus on building national resilience and commits the government to consider strengthening the roles and responsibilities of Local Resilience Forums in England alongside a wider National Resilience Strategy. Fire and rescue services and senior fire officers play key roles in the operation and leadership of LRFs in preparing for emergencies and in responding to emergencies in multi-agency Strategic Coordination Groups.

The Cabinet Office's National Resilience Strategy Call for Evidence closed in September 2021. The Home Office has consulted with the National Fire Chief's Council (NFCC), to ensure the fire sector continues to play a strong role in both national and local community resilience, across the resilience cycle.

In carrying out their functions, services must work with the public and businesses to reduce incidents of fire and ensure that appropriate measures are in place to mitigate their impact. Firefighters need to be prepared, equipped with the right skills and expertise to attend, assess the risk and respond to a range of incidents, across the complex, built environment and national infrastructure. They are supported, where necessary, by expert fire safety inspectors and engineers.

HMICFRS inspections have highlighted that operational response is a key strength of services but reported that there is considerable variation in how prevention and protection work is carried out, understood and prioritised. The most effective services have protected and extended their reach in this area, and we will continue to work with the NFCC on the development and implementation of prevention and protection programmes.

## Modern Working Practices

Just as society continues to change, so have public safety challenges to which services must respond: from the increased risk from terrorism and environmental challenges, to pandemics and the increasing demands on local authorities, given that people are living longer and vulnerability is better understood. The role of services, and of those who work for them, needs to continuously evolve. Fire and rescue services provide a skilled, capable and engaged workforce that is ready, willing and able to step into these challenges in the Community Risk Programme. It is right that the public can expect them to be deployed to assist their communities as the need arises.

However, the barriers to doing so were seen during the sector’s ongoing response to Covid-19, where the determination of fire and rescue staff to assist their communities was not always matched by flexible and modern employment practices. The national negotiation mechanism established by the National Joint Council has been recognised by inspectors and others as a barrier to a rapid and flexible response. These barriers have meant services have struggled to adapt and communities have not always been well served in the process. For example, previous collaborations with health partners have floundered in some places and in Greater Manchester, a team formed to respond to marauding terrorist attacks in the city withdrew their labour because of a dispute, leaving the community unacceptably vulnerable. While this capability has been restored through a local agreement that costs more taxpayer money, the government is clear that under current arrangements there is a role for services and their employees to respond to terrorism in all its forms.

Chief fire officers should be empowered to safely make decisions on the basis of risk and resources. While it is right that all relevant trade unions have a role to play in discussions on terms and conditions and the health and safety of their members, this must not come at the expense of safe and sensible progress and efficiency when communities need action.

We will work with fire and rescue leaders to ensure that services can fully support their communities. The need to identify emerging issues and continually assess risk extends to prevention and protection functions where services should ensure that they adapt to meet emerging issues and levels of risk, with their activity tailored to those they target.

**Q1: To what extent do you agree/disagree that fire and rescue services should have the flexibility to deploy resources to help address current and future threats faced by the public beyond core fire and rescue duties?**

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

## Public Safety

Fire and rescue services play an important role in assisting communities with health and crime prevention and reduction. Services have already demonstrated their ability to support wider public safety. For example, StayWise is an NFCC-led partnership initiative that supports blue light and educational professionals in the provision of safety messaging to children. Some services have collaborated with local partners to help prevent crime and support their communities. For instance, a multi-agency partnership involving Tyne and Wear Fire and Rescue Service, local councillors, Northumbria Police, a local housing company and Sunderland City Council led to the formation of SARA (Southwick Altogether

Raising Aspirations). SARA brings together partners to help the most vulnerable members of the community – from supporting those with mental health problems, helping victims of crime and working in schools to divert and dissuade vulnerable teenagers from a life of crime.

Other activity ranges from identifying and referring those at risk of domestic abuse, modern slavery and hate crime, to diverting young people away from trouble through fire cadets and other schemes. The new Serious Violence Duty in the Police, Crime, Sentencing and Courts Bill, which proposes to bring together local agencies to prevent and reduce serious violence, will also apply to fire and rescue authorities.

As discussed later, as well as considering the merging of fire and policing governance under democratically elected combined authority mayors or police, fire and crime commissioners, we would also seek to strengthen the emergency service response to local issues and promote greater collaboration between agencies to support public safety needs.

**Q2: To what extent do you agree/disagree that fire and rescue services should play an active role in supporting the wider health and public safety agenda?**

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

**Business Continuity**

The first duty of any government is to keep the public safe. Unlike the police, firefighters and control staff can strike, which inevitably puts the public and non-striking fire professionals at risk. While we do not propose removing the freedom for staff to choose to participate in industrial action, we believe that public safety needs to be ensured.

Fire and rescue services are ‘Category 1 responders’ under the Civil Contingencies Act 2004. This requires them to carry out specific civil protection duties, which chief fire officers must bear in mind when considering their business continuity plans. Requirements for business continuity are also set out in the fire and rescue service National Framework for England. The Home Office will work closely with the NFCC to ensure that each service has a robust business continuity plan that considers a range of challenges, including the impact of industrial action. Working with the NFCC, the National Resilience Assurance Team and HMICFRS, we will commission that the plans are independently assured. As outlined later in this white paper, the operational independence of chief fire officers plays a crucial role in allowing them to manage risk within their service.

The Civil Contingencies Act 2004 is also under review, alongside the wider National Resilience Strategy and includes the duties on fire and rescue services in relation to civil emergencies and in collaboration with key local partners. As part this review, we will consider strengthening the basis on which all Category 1 and 2 responders cooperate and support local resilience structures, with FRS services being central to this.

**Q3: To what extent do you agree/disagree that the business continuity requirements set out in the Civil Contingencies Act 2004 provide sufficient oversight to keep the public safe in the event of strike action?**

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

### Pay Negotiation

Everyone is entitled to be treated fairly. When it comes to public sector pay, those who provide public services, and those who pay for them, deserve no less. The process for determining pay should be open to scrutiny, so that all concerned can understand the decisions that are made.

The effectiveness of the National Joint Council (NJC) – the body that oversees decisions on firefighter pay and terms and conditions – has long been questioned. Adrian Thomas, in his review of conditions of service in 2015, concluded that it needs to be modernised and in the State of Fire and Rescue 2020 report, Sir Thomas Winsor called for fundamental reform. The negotiation of annual firefighter pay awards is a closed process until after any decisions is effectively made, with the views and agreement of only one union being sought and considered. HMICFRS have made recommendations on the current pay negotiation structure, including a suggestion to review its current operation and effectiveness. We welcome this recommendation and will consider how best to take it forward as part of our package for reform. The independent review would consider whether the current pay negotiation process is dynamic enough to respond to changing priorities. It could consider evidence from other employment models and sectors.

**Q4: To what extent do you agree/disagree that the current pay negotiation arrangements are appropriate?**

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

**Q5: Please provide the reasons for your response.**

### Nurturing New and Existing Talent

There is more to do nationally to stimulate the debate about talent and to ensure that services open and modern employers who value diversity and nurture talent. Fire and Rescue professionals deserve development and support to achieve their full potential. Inconsistent identification and management of talent limits the scope to specialise and professionalise, and means that high-potential individuals may be overlooked.

HMICFRS found that services need to do more to support future leaders, and that diversity in senior leadership positions is even more limited than in the wider workforce. They also found that services often do not actively manage talent, relying on traditional models of development and progression, often linked to time served.

Some services have talent and development schemes, but there are no standardised national progression routes or consistent levels of education or experience required for entry into roles, in contrast to comparable public services including health and policing. We seek views on whether we should explore clearer, consistent entry requirements for fire service roles, so that a consistent approach is applied across the country. In doing this, we need to consider the impacts not only on professionalising services, but also any unintended consequences on the recruitment and retention of people from the widest possible talent pool. Consistent entry requirements, along with consistently applied personal development and progression, could be key to developing the management and leadership cadre of the future.

We want to ensure that fire and rescue is open to the best and brightest. As well as a focus on developing the talent already working in the fire services, there have been positive recent steps to bring in people with experience from other sectors at a range of levels. The NFCC leadership hub is leading a project on direct entry schemes at station and area manager level, as well as developing a coaching and talent-focused culture. This is a welcome development and should be supported by all services. We will also explore the potential to learn from national talent and recruitment schemes such as Teach First, Police Now, Unlocked and the civil service’s Fast Stream scheme model to establish high-potential development programmes. Such schemes could be open to both new entrants and existing staff and would offer a structured development programme. Skills could be tested and extended through placements in a range of roles and projects.

**Q6: To what extent do you agree/disagree that consistent entry requirements should be explored for fire and rescue service roles?**

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

**Q7: Please provide the reasons for your response.**

**Q8: To what extent do you agree/disagree that other roles, in addition to station and area managers, would benefit from a direct entry and talent management scheme?**

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

# Professionalism

The vision in this white paper is for fire and rescue services to continue to be a vital asset to our communities, and a great public sector profession with a focus on continuous improvement and professional development. Services will continue to attract talented people who understand the communities they are serving. This will be supported with clear and consistent expectations and training opportunities that build on the effective use of data and evidence. To realise this vision, we need to have the right support structures at the head of the profession to ensure that the improvement cycle functions well, with clear expectations, strong implementation, and a robust inspection regime.

## Leadership of the Profession to Date

The National Fire Chiefs' Council (NFCC) was established in 2017 with the goal of supporting operational leaders to transform services, thereby maximising effectiveness and partnership working. The independently chaired Fire Standards Board (FSB) was created in 2019 to produce and maintain a suite of national professional standards for fire and rescue services. Eight fire standards have now been published, ranging from operational matters such as community risk management planning to issues related to culture and ethics. Fire standards are intended to drive consistency and have a positive impact on the performance and professionalism of services, supporting continuous improvement and setting clear expectations for the service the public should receive. HMICFRS have regard to these expectations in their inspections.

This first wave of reform has clearly moved the fire and rescue profession forwards and government has provided significant financial support, totalling over £15 million over the last four years. The NFCC has provided leadership that the sector was lacking and is in the process of carrying out a significant programme of work. We want to explore how we can build on this success to further support professionals and strengthen fire and rescue services across five key areas of leadership, data, research, ethics and clear expectations.

## Leadership

In several reports and inspections, leadership has been found to be problematical. Twenty years ago, an independent review (the Bain Report, 2002) reported “a lack of leadership throughout the service at the political, institutional and operational levels”. The report also detailed the need for senior staff to receive “more training in general and personnel management,” that “a proportion of officers should come from outside the Service” and the importance of sector organisations to provide “a body of expertise on technical matters and business processes.” By 2019, inspections identified that only 12 out of 45 services were ‘good’ at developing leadership and capability.

Effective leadership is not only about strengthening the role of the chief fire officer, but about building capability, embedding values and nurturing talent within services. Indeed, there are many accomplished individuals in the current leadership cadre, but there is no current structure or assessment that ensures that this is consistent. The work of chief fire officers is vital and could become even more complex and challenging if they are provided with operational independence, as recommended by HMICFRS.

Senior operational leaders require a range of skills. They must take on-the-spot decisions in highly pressurised circumstances, which can be matters of life or death. The aftermath of

such decisions can also present leadership challenges both in terms of public confidence and achieving organisational learning. Fire and Rescue leaders are also required to manage complex organisations through change, building positive and inclusive teams as well as taking account of contextual issues such as industrial relations.

### A 21st Century Leadership Offer

In December 2020, the Home Office surveyed chief, deputy and assistant fire officers' views on leadership in three domains of command, leadership and organisational management. Around four in ten (42%) thought that services were 'not very' or 'not at all' effective at both identifying and developing high potential or talent and while most were at least 'fairly satisfied' nearly 70% said they would value a mandatory and standardised training programme for senior leaders.

In some sectors, a standardised assessment to reach levels equivalent to assistant chief officer and above provides greater national consistency, transparency and clarity. A new, statutory leadership programme designed for the challenges of the 21st century could allow for a standardised approach in how services identify and prepare the leaders of tomorrow. Officers completing the course should also find it easier to move between leadership roles in fire and rescue services. The police Strategic Command Course provides a model we wish to explore. As with policing, we will need to consider how direct entrants would be able to demonstrate comparable experience and competence gained outside fire services, particularly in relation to command, and how the skills and competence required could be developed in a fair and consistent way.

**Q9: To what extent do you agree/disagree with the proposed introduction of a 21st century leadership programme?**

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

**Q10: Please provide reasons for your response.**

**Q11: To what extent do you agree/disagree that completion of the proposed 21st century leadership programme should be mandatory before becoming an assistant chief fire officer or above?**

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

### Smarter Use of Data

Data is a vital asset in helping services to deploy resources and manage services more effectively and professionally. While there are undoubtedly services where data is being used well, in his State of Fire and Rescue report in 2019, Sir Thomas Winsor identified that

“the sector is missing opportunities to use data and technology effectively” and lacks an overall national strategy to bring consistency and promote innovation.

We have provided funding to the NFCC for them to help set a common direction for services and to consider how best to provide central digital and data support. We want to explore how best to offer further data support to fire and rescue services. This could include improving national data analytics capability and developing data-focused training for those working with data in services and a consistent approach to structuring data. In addition, this could include setting expectations for data governance and for securing data-sharing agreements.

Central to this should be the capacity and capability of fire and rescue services to cooperate with other responding organisations under the Civil Contingencies Act 2004 and share data, when appropriate with local and national partners, including LRFs. This will support activity across the resilience cycle including preparation, response and recovery to ensure we make the best use of the data we have.

**Q12: To what extent do you agree/disagree that each of the activities outlined above are high priorities for helping improve the use and quality of fire and rescue service data?**

- A national data analytics capability.**
- Data-focused training.**
- Consistent approaches to structuring data**
- Clear expectations for data governance**
- Securing data-sharing agreements.**

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

**Q13: What other activities, beyond those listed above, would help improve the use and quality of fire and rescue service data? Please give the reasons for your response.**

**Research**

It is vital that the work of services is supported by the best available evidence and research to ensure that services can effectively serve their communities. The current landscape, with a variety of organisations pursuing research activities, presents the risk that research is not co-ordinated to an optimal degree. Further, many individuals in services who conduct research work are doing so alongside other pressing roles.

We want to explore whether central fire and rescue research personnel, working closely with services, could help to ensure that research carried out within the physical and social sciences is effectively prioritised, co-ordinated, quality assured, and disseminated.

A central fire and rescue research capability could undertake the following activities:

- **collaborating** – providing a permanent set of skilled analysts to collaborate with others, including services, to promote good quality research that will provide benefits to services
- **commissioning** – commissioning other organisations to conduct research on behalf of the central fire and rescue research function when national-level research is appropriate
- **conducting** – directly undertaking research, including reviews of existing evidence, using staff permanently housed within the central fire and rescue research function
- **collating** – identifying emergent issues, opportunities, and ongoing fire-related research undertaken across services, academia, industry and other organisations, ensuring that priorities are being addressed and learning is being shared to avoid duplication of effort

**Q14: To what extent do you agree/disagree that each of the activities outlined above are high priorities for improving the use and quality of fire evidence and research?**

- Collaborating
- Commissioning
- Conducting
- Collating

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

**Q15: What other activities, beyond those listed above, would help improve the use and quality of evidence and research on fire and other hazards? Please provide the reasons for your responses.**

### Clear Expectations

A hallmark of professionalism is the creation and implementation of clear expectations. While local flexibility is important, robust and consistent national standards help improve the quality of service provided to the public.

Currently, the independently chaired FSB is tasked with creating and maintaining fire standards (the documents through which the FSB sets clear expectations for services) for fire and rescue services. Eight fire standards have now been published, ranging from operational matters such as community risk management planning to issues related to culture and ethics. A 9th fire standard on safeguarding is due to be published imminently. The FSB is supported in this work by the NFCC’s Central Programme Office. The Fire and Rescue National Framework for England requires services to implement these standards. HMICFRS will have regard to them in their inspections.

We want to build on the successes of the FSB and ensure we continue to set clear expectations. We want to ensure effective implementation in support of the fire and rescue

profession. We also want to consider how best to ensure that there is a continued close link between these common expectations and the guidance that supports their implementation, including National Operational Guidance.

## Ethics and Culture

We want to see fire and rescue services where everyone is welcome, treated with respect and able to thrive. The need for more consistent application of a robust ethical framework is clear. HMICFRS found in their 2019 State of Fire report that “the culture in some services is toxic”, that 20 out of 45 services required improvement and that a further three were inadequate.

### *Code of Ethics*

In response to the HMICFRS recommendation, the Local Government Association, the Association of Police and Crime Commissioners, and the NFCC developed a core code of ethics that all services should embed in their work. This is a positive first step, but we want to consider whether more is needed to ensure we have a consistently positive culture in all fire and rescue services.

The current code has no legal status but is supported by a fire standard (the documents through which the Fire Standards Board sets clear expectations for services) which requires services ‘adopt and embed’ the code. The Fire and Rescue National Framework for England, to which fire and rescue authorities must have regard, provides that all authorities must adhere to these clear expectations. The duty on fire and rescue services to adhere to the core code is therefore indirect and we are seeking views on whether to place a code on a statutory footing (a ‘statutory code’) to ensure its application in every service. This could involve the creation of powers in legislation, when parliamentary time allows, to create and maintain a statutory code. These powers could enable a statutory code to be created or amended via secondary legislation. If follow the outcome of this consultation the government proceeds with this proposal, the core code could be subject to review before being placed on a statutory basis.

**Q16: To what extent do you agree/disagree with the creation of a statutory code of ethics for services in England?**

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

**Q17: To what extent do you agree/disagree that placing a code of ethics on a statutory basis would better embed ethical principles in services than the present core code of ethics?**

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

If a statutory code were to be created, a duty would need to be placed on services to follow it. We are consulting on this duty being placed on chief fire officers who, under proposals outlined in the governance section of this document, could be operationally independent and therefore best placed to ensure their services act in accordance with the statutory code. We believe fire and rescue authorities would retain an important role in holding chiefs accountable for the discharge of their duties to ensure they and their services adhere to the code. However, we do not propose that the statutory code would apply to elected representatives in fire and rescue authorities.

We do not believe that the duty to adhere to the statutory code should be placed on individual employees of authorities as this would not address the need for a service’s policies, as well as its people, to adhere to the statutory code. The need for individuals to adhere to ethical values is considered below in relation to the fire and rescue service oath.

We are consulting on the enforcement of the statutory code – and the related oath – being an employment matter for chiefs to determine within their services, in accordance with the proposal for operational independence contained elsewhere in this document.

**Q18: To what extent do you agree/disagree that the duty to ensure services act in accordance with the proposed statutory code should be placed on operationally independent chief fire officers?**

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

**Q19: To what extent do you agree/disagree with making enforcement of the proposed statutory code an employment matter for chief fire officers to determine within their services?**

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

*Fire and Rescue Service Oath*

We are also consulting on introducing a fire and rescue service oath (‘the Oath’) in England. The Oath would be a promise to uphold the principles in the statutory code while undertaking tasks on behalf of fire and rescue authorities, to help address the cultural challenges identified above and provide a positive expression of the role services can play in their communities. A mandatory duty to take the Oath would need to be placed on all FRA employees although it would not apply to the elected representatives in the authority as separate ethical standards arrangements are already in place. As is the case with police officers and PCCs, the Oath would be specified and provided for in legislation. We consider that a requirement for all FRA employees to consciously affirm ethical principles through an Oath would make it more likely that the principles would be adhered to. We think this would be preferable to a voluntary option because it would provide a more consistent approach across all services.

As noted above, the core code may be subject to review before being placed on a statutory basis, if that option is pursued. However, by way of example, an Oath based on the core

code may include affirming such principles as acting with integrity, and supporting equality, diversity and inclusion. As we anticipate the Oath and the statutory code to be intrinsically linked, subject to the outcome of this consultation, we will continue to work closely with interested parties on the content and process associated with the statutory code and Oath.

If a breach of the Oath occurred, we believe it would be most appropriate for it to be dealt with by each service as an employment matter. Managers should exercise their professional judgment, reflecting service disciplinary procedures and the circumstances of the individual case. We consider that, in the absence of congruent criminal offence, it would be disproportionate for breach of the Oath alone to be a criminal offence.

**Q20: To what extent do you agree/disagree with the creation of a fire and rescue service oath for services in England?**

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

**Q21: Please give the reasons for your response.**

**Q22: To what extent do you agree/disagree that an Oath would embed the principles of the Code of Ethics amongst fire and rescue authority employees?**

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

**Q23: To what extent do you agree/disagree with an Oath being mandatory for all employees?**

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

**Q24: To what extent do you agree/disagree that breach of the fire and rescue service oath should be dealt with as an employment matter?**

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

## Professionalism Summary

We consider that action in these five key areas of improvement could help facilitate further professionalisation of fire and rescue services. Drawing on responses to this consultation, we intend to continue building capacity and capability across these five areas of leadership, data, research, ethics and clear expectations. It will be vital to make efficient use of resources in supporting services. We will therefore seek to prioritise those areas of delivery that are most beneficial in strengthening services and protecting the public.

**Q25: To what extent do you agree/disagree that the five areas listed above are priorities for professionalising fire and rescue services?**

- Leadership
- Data
- Research
- Ethics
- Clear Expectations

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

**Q26: What other activities, beyond the five listed above, could help to professionalise fire and rescue services?**

## Independent Strategic Oversight

We believe there could be an opportunity for an independent body to build on the foundations laid and continue to drive forward the further professionalisation of services.

A key benefit of creating an independent professional body could be to provide an organisation independent of fire and rescue services and at arm's length from government to lead the continuing development of the fire and rescue profession. It could comprise and be led by staff working in the organisation as their primary role and providing a dedicated resource to support services rather than by those who also must undertake pressing operational roles. This would help it carry out important activities not currently conducted on a sustainable basis. While we see benefits to independence, it would be vital for any new organisation to work with services, employers, the NFCC, the unions, HMICFRS and others, to ensure that work is fully informed by the views of the sector.

### *A College of Fire and Rescue*

We therefore want to explore our ambition for the creation of a College of Fire and Rescue (CoFR) to be the independent body to support our fire and rescue professionals to best protect their communities. Through providing a permanent body of independent expertise and sharing the outputs of its various proposed strands of work, the independent CoFR could provide a vital aid to services in implementing the reforms outlined in this white paper.

## Reforming Our Fire and Rescue Service: Government Consultation

We will carefully consider the creation and appropriate remit of a CoFR using the views gathered through this consultation. We would want to ensure we prioritise areas of work that add greatest value to services, making best use of available resources. We are therefore seeking views on which of the five opportunities for further professionalisation should be priorities for the proposed independent CoFR.

By way of example, the proposed independent CoFR could have the following remit:

- on **Leadership**, developing and maintaining courses such as Leadership Programmes and direct entry schemes
- on **Data**, providing a home for a strategic centre of data excellence
- on **Research**, housing a central research function to ensure that research is prioritised, conducted effectively, and shared
- on **Clear Expectations**, taking on responsibility for the creation of fire standards, building on the work of the Fire Standards Board
- on **Ethics**, the proposed independent body could be provided with powers to create and maintain the proposed statutory code of ethics and fire and rescue service oath, and also keep practical implementation of the code and Oath under review

The remit outlined above could help ensure that these vital activities are conducted in a sustainable and independent manner by an organisation dedicated to undertaking this work. Placing multiple strands of work in the same organisation focused solely on their delivery would allow each strand to be supported by the others. Taking the examples above, a CoFR could allow expectations of services to be informed by the latest research and help leadership programmes to be imbued with strong ethical principles.

We also want to make sure that the proposed independent CoFR has the power to effect further improvement in fire and rescue services. We therefore wish to consider whether it should be given legislative powers to support its work. These could mirror the powers held by the College of Policing under the Police Act 1996, as amended by the Anti-Social Behaviour, Crime & Policing Act 2014, or could involve the extension to the College of Fire of the powers held by the Secretary of State under the Fire and Rescue Services Act 2004. For example, legislative powers provided to the CoFR could include the power to issue statutory codes of practice with the approval of the Secretary of State.

It should be noted that the remit of the NFCC extends significantly beyond the functions outlined above. Therefore, if the independent College of Fire were to be created, a strong co-operative working relationship with the NFCC would be vital in achieving the aims of both organisations.

**Q27: To what extent do you agree/disagree with the creation of an independent College of Fire and Rescue to lead the professionalisation of fire and rescue services?**

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

**Q28: Please provide your reasons for your response**

# Governance

## Governance Structures

There are 44 FRAs across England operating under a range of different governance models. We believe this variation in the operation of models is unhelpful and leads to problems in relation to accountability and transparency.

Unlike FRAs overseen by PFCCs or combined authority mayors, the majority of authorities still operate a committee structure comprising many members (in the case of one authority, nearly 90). This can slow decision making and impair accountability. And across most of England, the public do not have a direct say in who is responsible for their fire service. In most areas, while members are elected (for example, as a councillor), they are not directly elected with a clear mandate in relation to fire.

Public awareness of FRAs and their members is not high. Our public polling as part of the review of PCCs found that the majority (89%) could not name a member of their FRA. In contrast, the awareness of PCCs (including police, fire and crime commissioners) is growing since the first candidates were elected in 2012. In the same polling, nearly two thirds (65%) of the public in these areas said they were either aware of their commissioner, or aware that they were responsible for policing (this figure is in line with other recent estimates from the Crime Survey for England and Wales). The 2021 PCC elections saw a significantly increased turnout – provisionally up 6.5 percent more than in 2016 - and more than double that of the 2012 elections. This shows the model is maturing and public awareness is growing.

After considering the conclusions of the PCC review, and reviewing inspection and other reports, the government view is that oversight of fire services needs to change. Our preferred governance model is one that meets the following criteria:

- there has a single, elected – ideally directly elected – individual who is accountable for the service rather than governance by committee
- there is clear demarcation between the political and strategic oversight by this individual, and the operationally independent running of the service by the chief fire officer
- that the person with oversight has control of necessary funding and estates
- decision-making, including budgets and spending, is transparent and linked to local public priorities

Therefore, to strengthen governance across the sector, we believe there is a strong case to consider options to transfer governance to an elected individual.

We seek views on this approach and who the most appropriate person may be. Options will need to be discussed options with each local area. There are a number of options for who this person could be. These include a directly elected combined authority mayor or a PCC. Each is a single directly elected individual who can provide the accountable leadership that we envisage, enabling the public to have a say in who oversees their local service. But there may be other options, including retaining fire in county council's under a designated leader. We seek views on who else could provide this executive leadership.

**Q29: To what extent do you agree/disagree that Government should transfer responsibility for fire and rescue services in England to a single elected individual?**

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

**Q30: What factors should be considered when transferring fire governance to a directly elected individual?**

**Please provide the reasons for your response.**

### **The Mayoral Model**

An option to achieve directly elected oversight of fire could be through the combined authority mayoral model. The government would like to see more combined authority mayors exercising public safety functions.

As set out in the Home Secretary’s response to the PCC review (2021) and the Levelling Up white paper, combined authority mayors could also take on public safety functions where boundaries allow.

Of the eight existing MCAs without fire and rescue functions currently, four (Cambridgeshire & Peterborough, Sheffield City Region, West Midlands and West Yorkshire) are already coterminous with fire and rescue boundaries. Subject to this consultation, we will explore options for transferring the fire functions directly to the MCAs for exercise by the mayors in these areas at the earliest opportunity. The four remaining existing MCAs (Liverpool City Region, North of Tyne, Tees Valley and West of England) are not currently coterminous with fire and rescue boundaries and so, subject to this consultation, we will need to consult with those in the local areas to establish the way forward.

**Q31: Where Mayoral Combined Authorities already exist, to what extent do you agree/disagree that fire and rescue functions should be transferred directly to these MCAs for exercise by the Mayor?**

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

### **Police and Crime Commissioners**

Another option could be to transfer responsibility to a police, fire and crime commissioner. In 2017, measures were introduced through the Policing and Crime Act 2017 to enable PCCs to take on oversight of their local fire services.

It is for each commissioner to determine whether they want responsibility for fire. If so, they need to produce a proposal for the Home Secretary that demonstrates how a governance transfer meets the statutory tests of economy, efficiency and effectiveness, and that it does not have a detrimental impact on public safety. To date, four areas have made the transition to a police, fire and crime commissioner.

The PCC review considered how PCCs' accountability could be strengthened, and their role expanded in line with the government's manifesto commitment, and considered the benefits of directly elected oversight of fire services. Those interviewed from both policing and fire in the review were broadly supportive of the benefits of bringing policing and fire governance together under a directly elected individual, particularly to maximise the benefits of emergency services collaboration and strengthen accountability and transparency to the public. To achieve a more consistent approach to fire governance, many were strongly in favour of mandating governance change across England, rather than the current bottom-up piecemeal approach.

We have seen the immense value in what PFCCs in the four areas who have responsibility for fire have provided, including strengthened local accountability, enhanced collaboration and improvements in what their fire services provide the public. The business cases for the first four PFCCs estimated savings of between £6.6 million to £30 million over the first ten years. In Northamptonshire, the financial autonomy provided by the commissioner enabled the service to recruit new firefighters and replace equipment and facilities, thereby improving the support it provides to people and businesses. In North Yorkshire, the 'Enable' service brings together police and fire back-office staff to work as one team, under one roof, improving efficiency and affordability for all. The enhanced collaboration driven by commissioners is not only improving organisational efficiency but is saving lives. In Staffordshire, the commissioner agreed a missing persons support protocol between Staffordshire Fire and Rescue Service, Staffordshire Police and West Midlands Ambulance Service in which 90% of relevant incidents attended by fire and rescue crews were lifesaving or injury preventing.

The PCC review crystalised our proposals on fire service governance which the Home Secretary set out in her Written Ministerial Statement of March 2021. We therefore seek views on whether this is another acceptable option.

**Q32: To what extent do you agree/disagree that Government should transfer responsibility for fire and rescue services in England to police and crime commissioners?**

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

### Other Options, such as an executive councillor

We recognise, reflecting the circumstances of each local area, that it may be preferable for somebody a different option other than a PCC or mayor to be given responsibility. This may be where a fire service is currently part of a county council or local boundaries aren't aligned. We are therefore filling to consider other options, although any option will need to meet our

criteria for good governance as listed above, in particular the need for clear executive – rather than committee – leadership.

**Q33: Apart from combined authority mayors and police and crime commissioners, is there anyone else who we could transfer fire governance that aligns with the principles set out above?**

Yes	No

**Q34: If yes, please explain other options and your reasons for proposing them.**

As part of any governance change, we could take the opportunity to strengthen and clarify the legal basis against which fire and rescue authorities operate. The Fire and Rescue Services Act 2004 requires fire authorities to make provision to provide ‘core functions’ (for example, fire safety, firefighting, rescuing people from road traffic accidents, functions in emergencies). While the Fire and Rescue National Framework for England provides a little more in terms of defining the role of authorities, further work could be done to define their scrutiny and oversight function.

In transferring responsibility to a single individual, we could also put good governance principles in statute. For example, legislation could expressly set out the role and function of the FRAs including its oversight and scrutiny functions, specifying how transparency objectives should be met, and clarifying the relationship between political oversight and operational decision making. If not in statute, this could also be included in the Fire and Rescue National Framework for England.

**Q35: To what extent do you agree or disagree that the legal basis for fire and rescue authorities could be strengthened and clarified?**

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

**Q36: Please provide the reasons for your response.**

Should we decide to bring forward governance change and transfer governance from existing fire and rescue authorities, we do not want to lose the skills and expertise built up by FRAs. And regardless of who the executive leader is, each would need a body to scrutinise their decision making. Part 2 of our PCC review is assessing the current scrutiny arrangements for PCCs in more detail and how they could be improved. In the light of this, we will consider carefully what may be the appropriate arrangements for fire, including the findings from Part 2 of our PCC review which considered how the current scrutiny arrangements for PCCs could be improved.

## Boundaries

In order to transfer fire governance to an elected official, the boundaries of the fire and rescue service and the police force/combined authority/county council must align. This is to ensure that there is a consistent electoral mandate across the whole of the area concerned. Across most of England, the boundaries for fire and rescue services and police forces/combined authorities (where present) are coterminous, making the transfer of governance to combined authority mayors and PCCs practicable. In areas where there is more than one fire and rescue service within a police force area (for example, Sussex Police covers the area of both East Sussex and West Sussex fire and rescue services) a transfer of functions is still possible as the PCC can take responsibility for each fire and rescue service that falls within their area. We would not seek to combine services unless there was local appetite to do so.

However, in other parts of the country such as the south-west of England, fire and police boundaries do not align. This means the transfer of fire governance to someone like a PCC would not be practicable unless steps were taken to bring about coterminous boundaries. We will discuss options for these areas with interested parties to determine how to achieve the necessary change.

**Q37: To what extent do you agree/disagree that boundary changes should be made so that fire and rescue service areas and police force/combined authorities (where present) areas are coterminous?**

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

## Fire Funding

We are aware that any governance change will have funding implications. This will be particularly acute in services that are part of a county council or unitary authority. Should any governance transfer be made, we will need to assess that impact, for example on staff, assets and revenue transferred, and council tax precept. We are keen to ensure that both the financial sustainability for all local authorities and the operational capabilities of fire services are maintained throughout, including during any transition period. The government's aim is that we will keep council tax bills low and this will not be adversely affected by our governance proposals.

Where fire is part of a county or unitary authority, we have seen that fire and rescue does not always receive the resources it might otherwise be allocated due to competing priorities within the parent authority. As a result, fire and rescue can see its budget reduced mid-year to meet pressures elsewhere in its parent authority. The fire and rescue service also must compete with other parts of the local authority for capital funding to replace essential equipment. Subject to the results of this consultation, should fire stay within a county council or unitary authority rather than be transferred to a PCC or mayor, we propose taking steps to ring-fence the operational fire budgets within all county councils and unitary authorities who run fire services. This will enable the executive leader and chief fire officer to have certainty at the start – and throughout – the financial year over what resources they have available to them in order to meet the requirements of their local plan.

On conclusion of this consultation, we will work with national and local government representatives to consider these issues further. Should any changes to governance be given effect, we will consider options to ensure that authorities in all their forms continue to take effective decisions on their service provision ahead of any governance change.

**Q38: To what extent do you agree/disagree with ring-fencing the operational fire budget within fire and rescue services run by county councils and unitary authorities?**

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

**Q39: Please provide the reasons for your response.**

### A Balanced Leadership Model

Chief fire officers, properly held to account for performance by stronger governance, must also be able to make operational deployments and use their resources in the most efficient and effective ways to meet known and foreseeable risks. Yet in many cases, they are required to engage in prolonged negotiation at both the national and local levels on matters that should be within their operational responsibility.

In their first inspections, HMICFRS found that the lack of clear operational independence of chief fire officers created a barrier to services becoming more effective and efficient, and they found examples where chiefs were prevented by their authorities from implementing operational changes. HMICFRS recommended that the Home Office should take steps to give chiefs operational independence, including issuing clear guidance on the demarcation between governance and operational decision making. We agree with this recommendation and will legislate to do so when parliamentary time allows. While good governance, accountability and robust political decision-making is critical, it should be for the chief fire officer to determine the operational deployment of their staff.

We want to move to a consistent position where the political, executive leader of the fire and rescue authority will be responsible for their fire service and will be accountable – ultimately at the ballot box – for the service’s performance. This will be alongside the chief fire officer being accountable for operational decisions, with the two working effectively together to ensure the best service to the public.

The table below illustrates the possible demarcation of responsibility between the political (executive) leader and the chief fire officer. For example, the chief fire officer would make decisions in relation to the appointment and dismissal of staff, and the configuration, deployment and organisation of fire service resources. They would also make decisions to balance competing operational needs aligned to the strategic priorities set by the executive leader, to which they must have regard; including operational decisions to reallocate resources to meet immediate and ongoing demand and allocate staff to specific duties to reduce risk and save lives. We will work with those in the fire sector and local government to define this further ahead of making the required legislative changes.

<b>Task</b>	<b>Responsible</b>
<u>Setting priorities</u>	<u>Executive leader</u>
<u>Budget setting</u>	<u>Executive leader</u>
<u>Setting precept</u>	<u>Executive leader</u>
<u>Setting response standards</u>	<u>Executive leader</u>
Opening and closing fire stations	Executive leader*
<u>Appointment and dismissal of chief fire officer</u>	<u>Executive leader</u>
<u>Appointment and dismissal of other fire service staff</u>	<u>Chief fire officer</u>
<u>Allocation of staff to meet strategic priorities</u>	<u>Chief fire officer</u>
<u>Configuration and organisation of resources</u>	<u>Chief fire officer</u>
<u>Deployment of resources to meet operational requirements</u>	<u>Chief fire officer</u>
<u>Balancing of competing operational needs</u>	<u>Chief fire officer</u>
<u>Expenditure up to certain (delegated) levels</u>	<u>Chief fire officer</u>

\*Opening and closing of fire stations could be a joint decision; operationally fire chiefs could be responsible for decisions on moving teams, whilst ultimate political and executive responsibility lies with the executive leader.

There will be a bright, clear line demarcating the nature and extent of the chief fire officer's operational independence against the role of the executive leader. We will consider best practice in local government to develop this, as well as learning from the relationships between PCCs and their chief constables. We could consider producing something akin to the Policing Protocol to clarify roles and responsibilities and provide safeguards.

To support that, the declaration of the acceptance of office of PCCs and mayors could be extended to respect the operational independence of chief fire officers in the same way it presently applies to the independence of police officers.

At all times, the strengthened governance model of an executive leader will hold the chief to account for their decisions and performance.

**Q40. To what extent do you agree with this proposed approach (as outlined in the table above)?**

<b>Strongly agree</b>	<b>Agree</b>	<b>Neither agree nor disagree</b>	<b>Disagree</b>	<b>Strongly disagree</b>

**Q41. Do you have any other comments to further support your answer?**

**Q42. Are there any factors we should consider when implementing these proposals?**

**Q43: What factors should we consider when giving chief fire officers operational independence?**

**Please provide the reasons for your opinions.**

**Legal Entity of Chief Fire Officers**

When considering the role of chief fire officers in the context of transferring governance to a PCC, the extent of operational independence granted to them becomes even more relevant.

In the PCC model for policing governance, chief constables have operational independence from their commissioner in relation to the running of their police forces. The Police Reform and Social Responsibility Act 2011 provides that a police force and its civilian staff are under the direction and control of the chief constable. The 2011 Act also makes each chief constable a corporation sole. That means that the chief constable is a legal entity in their own right, occupying a single incorporated office. It makes the chief constable the employer of all those who work for the police force, and gives them legal authority over certain decisions and functions.

We therefore will consider whether to legislate to make chief fire officers corporations sole. This could clarify their role and responsibilities, and make them the employers of all fire personnel. This would mirror the arrangement in policing, although we will ensure these new arrangements are appropriate for fire. Subject to the views of the consultation, should we decide to proceed, we recognise specific arrangements may need to be put in place for chief fire officers employed by fire and rescue services run by county-councils and unitary authorities due to how closely fire professionals and assets are embedded in those organisations. We will work with the Department for Levelling Up, Housing and Communities and others in local government to consider this further.

**Q44: What factors should we consider should we make chief fire officers corporations sole?**

**Clear Distinction Between Strategic and Operational Planning**

Fire and rescue authorities are required by the Fire and Rescue National Framework for England to publish an Integrated Risk Management Plan (or similar for mayors and PFCCs). Put simply, the plan should assess all foreseeable fire-and-rescue related risks the service may face, and list how they will be met or responded to.

We are seeking views on how best to clarify the distinction between strategic and operational planning. We believe there should be a clear distinction between a strategic fire and rescue plan established by the fire authority and for which it is responsible, that sets priorities for the service on behalf of the public, and an operational plan which would become the responsibility of the chief fire officer and would deal with how strategic priorities will be met and risks mitigated.

Regardless of whether we require a new strategic plan, we propose to change the title of the operational plan to ‘the Community Risk Management Plan’. This better reflects the focus that these plans should have on risks to communities and more closely aligns to the newly established Community Risk Fire Standard introduced by the Fire Standards Board.

**Q45: To what extent do you agree or disagree that the responsibility for strategic and operational planning should be better distinguished?**

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

**Q46: To what extent do you agree or disagree that the strategic plan should be the responsibility of the fire and rescue authority?**

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

**Q47: To what extent do you agree or disagree that the operational plan should be the responsibility of the chief fire officer?**

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

**Q48: Please provide the reasons for your response.**

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# About you

Please use this section to tell us about yourself

<b>Full name</b>	
<b>Job title</b> or capacity in which you are responding to this consultation exercise (for example, member of the public)	
<b>Date</b>	
<b>Company name/organisation</b> (if applicable)	
<b>Address</b>	
<b>Postcode</b>	
If you would like us to acknowledge receipt of your response, please tick this box	<input type="checkbox"/> (please tick box)
Address to which the acknowledgement should be sent, if different from above	

**If you are a representative of a group**, please tell us the name of the group and give a summary of the people or organisations that you represent.

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# Contact details and how to respond

Please respond to this consultation online at:

<https://www.gov.uk/government/consultations/reforming-our-fire-and-rescue-service>

Alternatively, you can send in electronic copies to:

[firereformconsultation@homeoffice.gov.uk](mailto:firereformconsultation@homeoffice.gov.uk)

Alternatively, you may send paper copies to:

Fire Reform Consultation  
Fire Strategy & Reform Unit  
4th Floor, Peel Building  
2 Marsham Street,  
London  
SW1P 4DF

## Complaints or comments

If you have any complaints or comments about the consultation process you should contact the Home Office at the above address.

## Extra copies

Further paper copies of this consultation can be obtained from this address and it is also available online at:

<https://www.gov.uk/government/consultations/reforming-our-fire-and-rescue-service>

Alternative format versions of this publication can be requested from:  
[firereformconsultation@homeoffice.gov.uk](mailto:firereformconsultation@homeoffice.gov.uk)

## Publication of response

A paper summarising the responses to this consultation will be published online at:  
<https://www.gov.uk/government/consultations/reforming-our-fire-and-rescue-service>

## Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

## Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), the General Data Protection Regulation (GDPR) and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Home Office.

The Home Office will process your personal data in accordance with the DPA and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

# Impact Assessment

The Government is mindful of its duty to comply with the Public Sector Equality Duty in section 149 of the Equality Act 2010 and the need to assess the potential impact of any proposal on those with protected characteristics. In each part of the consultation, we invite views and evidence on the potential impact of the proposals and the package of proposals as a whole on such persons.

The impact assessment for this consultation can be found at:

<https://www.gov.uk/government/consultations/reforming-our-fire-and-rescue-service>

# Consultation principles

The principles that government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the consultation principles.

<https://www.gov.uk/government/publications/consultation-principles-guidance>







## **Durham Police and Crime Panel**

**23 June 2022**

### **Police and Crime Panel Annual Report 2021/22 and Work Programme 2022/23**

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#### **Report of Helen Lynch, Head of Legal and Democratic Services**

##### **Electoral division(s) affected:**

None

##### **Purpose of the Report**

- 1 To present the Durham Police and Crime Panel Annual report 2021/22 and consider development of the Panel's Work Programme for 2022/23.

##### **Executive summary**

- 2 The Panel's Annual report provides details of activity undertaken by the Panel in 2021/22 and development of a work programme for 2022/23 in accordance with the panel's arrangements and requirements within the Police Reform and Social Responsibility Act 2011.

##### **Recommendation**

- 3 The Police and Crime Panel are asked to
  - (a) Endorse the Durham Police and Crime Panel Annual Report 2021/22 as attached in appendix 2, and
  - (b) Agree the panel's work programme as attached in appendix 3 for 2022/2023 and the flexibility it offers to respond to emerging issues.

## **Background**

- 4 The Durham Police and Crime Panel Annual Report presents the Panel's activity during 2021/22. The report, attached in Appendix 2 provides detail on the role and responsibilities of the Police and Crime Commissioner (PCC), the Police and Crime Panel, the Panel's Membership, activity through panel meetings, panel development, complaints, engagement with public and the Office of the PCC and panel support. It is to note that the Annual Report is to be submitted to the Home Office as an element of the Panel's Grant Agreement by the 29 July 2022.
- 5 In summary, 2021/22 has been a busy year for the panel in which the panel has delivered a member induction and training session with all panel and substitute members, held five scheduled meetings, one confirmation hearing and one development session. The Panel was also represented at the AGM of the National Police, Fire and Crime Panels AGM and attended two LGA webinars.
- 6 Within this period, the panel has also approved and responded to the PCC's draft Police and Crime Panel in September 2021, confirmed the appointment of the Deputy PCC in November 2021 and agreed the PCC's precept in February 2022. The panel has also undertaken recruitment for an Independent Co-opted Member and responded to government consultations on remote meetings and Part 2 of the Home Office's review of PCCs.
- 7 Within these challenging times, the Panel has continued to deliver its work programme and duties within the Police, Reform and Social Responsibility Act 2011.

## **Work Programme 2022/23**

- 8 The Panel's rules of procedure state that the PCP will be responsible for setting its own work programme taking into account the priorities defined by the Police and Crime Commissioner (PCC) within the context of the Police and Crime Plan and Annual Report. The work programme must also include the functions described in the terms of reference for the panel.
- 9 The work programme will enable the PCP to plan and focus on how it will effectively provide challenge to the PCC and deliver its responsibilities within the context of the terms of reference and rules of procedure namely:
  - (a) Review and comment on the Draft Police and Crime Plan and Precept
  - (b) Reviewing the PCC's Annual Report

- (c) Holding confirmation hearings following a proposed appointment by the PCC to the posts of Chief Constable, Deputy PCC, Chief Executive Officer and Chief Finance Officer within the Commissioner's Office.
- 10 In addition, the Panel's meetings have included the following areas as standard agenda items:
- (a) Media Articles
  - (b) PCC Quarterly Performance Report
  - (c) PCC Commissioning Activity
  - (d) PCC Decisions
  - (e) HMICFRS Inspection Reports
- 11 The Panel can also establish 'Sub Committees and Task Groups' to undertake specific task based work on issues it deems necessary in line with its remit.
- 12 Within this context, Appendix 3 outlines a work programme for 2022/23. It is to note that the work programme is to be flexible to accommodate additional items throughout the year.

## **Main implications**

### *Crime & Disorder*

- 13 Activity within the Panel's Annual report and work programme aims to contribute to reducing crime and disorder within County Durham & Darlington.

## **Conclusion**

- 14 The Annual report provides Members with an overview of activity undertaken by the panel during 2021/22 and development of the panel's work programme for 2022/23.

## **Background papers**

- None

## **Other useful documents**

- None

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<b>Contact:</b>	Kamila Coulson-Patel	Tel: 03000 269674
	Jonathan Slee	Tel: 03000 268142

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## **Appendix 1: Implications**

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### **Legal Implications**

The Panel's Annual Report includes Panel activity in accordance with the Police Reform and Social Responsibility Act 2011 and requirements within the Home Office Grant Agreement 2021/22.

The Panel's work programme is to be delivered in accordance with the Police Reform and Social Responsibility Act 2011

### **Finance**

The Panel's Annual report includes panel support within the Home Office Grant Agreement and activity through precept consultation and consideration of the PCC's precept

The Panel's work programme includes precept consultation and consideration of the PCC's precept.

### **Consultation**

None.

### **Equality and Diversity / Public Sector Equality Duty**

None

### **Climate Change**

None.

### **Human Rights**

None

### **Crime and Disorder**

This is a key focus of the role of the Police and Crime Commissioner and Police and Crime Panel.

### **Staffing**

None

### **Accommodation**

None

### **Risk**

None

### **Procurement**

None.

# **Durham Police and Crime Panel Annual Report 2021/22**

## Chair's Foreword

Welcome to the Durham Police and Crime Panel Annual Report for 2021/22 and provides detail on our activity throughout the past year.

Having served as a Member of the Police and Crime Panel since its inception in 2012, I was delighted and honoured to be elected as the Panel's Chair together with Cllr Joan Nicholson as Vice Chair at its Annual General Meeting in July 2021.



In summary, 2021/22 has been a busy year for the panel in which we delivered a member induction and training session with all panel and substitute members with a valuable contribution from the newly elected PCC Joy Allen, held five scheduled meetings, one confirmation hearing and one development session. The Panel was also represented at the AGM of the National Police, Fire and Crime Panels AGM and attended two LGA webinars.

Within this period, the panel approved and responded to the PCC's draft Police and Crime Panel in September 2021, confirmed the appointment of the Deputy PCC Nigel Bryson in November and agreed the PCC's precept in February 2022. The panel has also undertaken recruitment for an Independent Co-opted Member and responded to government consultations on remote meetings and Part 2 of the Home Office's review of PCCs.

Within these challenging times, the Panel has continued to deliver its work programme and duties within the Police, Reform and Social Responsibility Act 2011. Looking ahead to 2022/23, in addition to responsibilities within the Act, the panel's work programme will also include outcomes of the Home Office Review of PCCs.

To conclude, I would like to thank the office of the Durham PCC for their continued support and to all Panel and substitute Members for their valued and dedicated commitment to the work of the Durham Police and Crime Panel.

Cllr Brian Jones  
Chair of Durham Police and Crime Panel 2021/22

## Background

The Police Reform and Social Responsibility Act 2011 introduced arrangements for elected Police and Crime Commissioners who are to be the voice of the people and have responsibility for holding their chief constable to account for policing in their force area. The Act also required the establishment of a Police and Crime Panels who are required to scrutinise and support the work of the Police and Crime Commissioner.

Elections for Police and Crime Commissioners take place every four years. The first election in November 2012 elected Mr Ron Hogg as the Durham Police and Crime Commissioner and following re-election in May 2016, Mr Hogg included victims within his title to be known as the Durham Police, Crime and Victims' Commissioner (PCVC).

Sadly, in December 2019, Mr Hogg passed away following a short illness. Prior to the passing of Mr Hogg, Steve White, Chief Executive, Office of the Durham PCVC, was appointed into the role of acting PCVC in September 2019, by the Police and Crime Panel.

Elections for Police and Crime Commissioners were scheduled to take place in May 2020. Following the outbreak of coronavirus, the government announced in March 2020 that the elections for the Police and Crime Commissioners in May 2020 were postponed and was subsequently held in May 2021 and elected Joy Allen as the Durham PCC.

# Police and Crime Commissioner

The role of the PCC is to be the voice of the people and hold the police to account. They are responsible for the totality of policing.



The PCC is elected by the public to hold the Chief Constable and the force to account, thus making the police answerable to the communities they serve. The PCC is to ensure community needs are met as effectively as possible and are improving local relationships through building confidence and restoring trust. The PCC works in partnership across a range of agencies at local and national level to ensure there is a unified approach to preventing and reducing crime.

The PCC has the mandate for ensuring the effectiveness and efficiency of policing services across County Durham and Darlington. As well as holding the Chief Constable to account on behalf of local people, the role will also involve:

- represent and engage with all those who live and work in the force area, including the vulnerable and victims;
- set the police and crime objectives for their area through a police and crime plan;
- set the force budget and determine the precept;
- appoint the Chief Constable, hold them to account for running the force, and if necessary dismiss them;
- contribute to the national and international policing capabilities set out by the Home Secretary; and
- bring together community safety and criminal justice partners, to make sure local priorities are joined up
- Publishing an Annual Report;
- Securing the maintenance of an efficient and effective police force for the area;
- Responsibility for holding community safety budgets and commissioning services

## Police and Crime Panels

The Durham PCC and Constabulary area covers the local authorities of Durham County Council and Darlington Borough Council. The Police and Social Responsibility Act 2011 required the two constituent authorities within Durham Constabulary area have a statutory duty to create a Police and Crime Panel.



**DARLINGTON**  
Borough Council

This led to the establishment of the Durham Police and Crime Panel holding its inaugural meeting in October 2012 and the Panel is hosted by Durham County Council. A web page containing information on the panel including the panel arrangements can be accessed from the following link:

<https://www.durham.gov.uk/policeandcrimepanel>

The Panel's membership consists of 10 elected members for the constituent authorities and two co-opted independent members.

The Durham Police and Crime Commissioner is held to account by the Durham Police and Crime Panel. The role of the Durham Police and Crime Panel is to provide scrutiny of the Commissioner, but also has decision making powers and are also required to provide support to the PCC in pursuit of objectives within the Police and Crime and Plan.

*Within the Police Reform and Social Responsibility Act, the Panel's key responsibilities are:*

- to review the draft Police and Crime Plan;
- to publicly scrutinise the Police and Crime Commissioner's (PCC's) Annual Report;
- to review and scrutinise decisions and actions by the PCC;
- to review the PCC's proposed precept levels;
- to review the PCC's Conduct;
- to review and confirm the PCC's proposed appointments of Chief Constable, Chief Executive, Chief Finance Officer, and Deputy Police and Crime Commissioner

The Act also includes procedures and processes for undertaking the above responsibilities and the panel are required to publish reports following reviewing the PCC's Annual report, police, crime and victims' plan, precept and confirmation hearings. The panel also has a power of veto on the PCC's precept and proposed appointment of Chief Constable.

## Panel Membership

The Panel is politically balanced and consists of 12 members, seven elected members from Durham County Council, three elected members from Darlington Borough Council and two independent co-opted members. In addition, each elected Member has a nominated substitute member. The Panel's Membership for 2021/22 is illustrated in the following table with their nominated substitute members listed in underneath.

<b>Durham County Council</b>	<b>Darlington Borough Council</b>	<b>Independent Co-Opted Members</b>
<b>Cllr D Boyes</b> (Cllr S Quinn)	<b>Cllr J Dulston</b> (Cllr Jamie Bartch)	<b>Mr NJH Cooke</b>
<b>Cllr L Hovvels</b> (Cllr J Miller)	<b>Cllr B Jones (Chair)</b> (Cllr R Mills) May 2021 – Feb 2022 (Cllr P Culley) Feb 2022	<b>Mr DKG Dodwell</b>
<b>Cllr D Nichols</b> (Cllr C Varty)	<b>Cllr N Wallis</b> (Cllr M Layton)	
<b>Cllr J Nicholson (Vice Chair)</b> (Cllr K Fantarrow)		
<b>Cllr R Potts</b> (Cllr L Holmes)		
<b>Cllr A Savory</b> (Cllr A Bell)		
<b>Cllr M Simmons</b> (Cllr L Brown)		

### Panel Recruitment - Independent Co-opted Member

The term of office for the panel's Independent Co-opted Members ceases on 30 April 2023. At its meeting in January 2022, the panel agreed to undertake a recruitment exercise following notification that for personal reasons Mr DKG Dodwell was unable to continue his role to the end of his term of office.

Following a recruitment exercise, the panel formally appointed Mr R Roddis at its meeting in March 2022 and Mr Roddis will commence his role from 1 May 2022. The Panel placed on record its appreciation to Mr DKG Dodwell for his valuable contribution and dedicated service as an Independent Co-opted Member to the panel since his appointment in October 2014.

# Police and Crime Panel Activity 2021/22

This section highlights the Panel's activity in relation to:

- Panel Meetings
- Panel Development
- Complaints
- Engagement with public and Office of the PCVC
- Responding to Government Consultations

## Panel meetings

### Coronavirus Act 2020

In May 2021, regulations for holding remote meetings within section 78 of the Coronavirus Act 2020 expired and all formal meetings of panel during 2021/22 were held in person.

### Number of Public Meetings held

The Panel has held six public meetings in public between 1 April 2021 to 31 March 2022.

### Monday 19 July 2021, Council Chamber, County Hall

- Acting Police, Crime and Victims' Commissioner's Annual Report
- Draft Police and Crime Plan
- Media Report
- Quarterly Performance report
- PCC Decision Records
- PCC Commissioning Update
- HMICFRS inspections
- Complaints Update
- Police and Crime Panel Annual Report 2020/21 and Work Programme

Link to agenda and minutes - [PCP 19 July 2021](#)

Link to video recording - [Video Recording - PCP 19 July 2021](#)

### Friday 17 September 2021, Council Chamber, County Hall

- Draft Police and Crime Plan
- Media Report
- Performance Progress Report
- HMICFRS inspections
- PCC Decision Records
- PCC Commissioning Update
- Complaints Update

- Police and Crime Panel work programme update
- Link to agenda and minutes - [PCP 17 September 2021](#)

Link to video recording - [Video recording PCP 17 September 2021](#)

### **Friday 5 November 2021 – Special Meeting, Council Chamber, County Hall, Durham**

- Confirmation Hearing - Appointment of a Deputy Police and Crime Commissioner Media Articles

Link to agenda and minutes- [PCP Special Meeting 5 November 2021](#)

Link to video recording - [video recording PCP 5 November 2021](#)

### **Monday 10 January 2022, Council Chamber, County Hall, Durham**

- HMICFRS Inspection Reports
- Precept Consultation
- Performance Progress Report
- Media Report
- PCC Commissioning Update
- PCC Decision Records
- Independent Co-Opted Members of the Police and Crime Panel
- Complaints Update

Link to agenda and minutes - [PCP Meeting 10 January 2022](#)

Link to video recording - [Video recording PCP 10 January 2022](#)

### **Thursday 3 February 2022, Council Chamber, County Hall, Durham**

- Precept Consultation
- Performance Progress Report
- Media Report
- PCC Commissioning Update
- HMICFRS inspections
- Complaints report

Link to agenda and minutes - [PCP Meeting 3 February 2022](#)

Link to video recording - [PCP February 2022](#)

### **Monday 7 March 2022, Council Chamber, County Hall, Durham**

- Media Report
- PCC Commissioning Report
- PCC Decision Records
- HMICFRS publications
- Revenue and Capital Budgets

- Neighbourhood Problem Solving Approach
- Appointment of Victim Champions
- Complaints Update

Link to agenda and minutes - [PCP 7 March 2022](#)

## **Panel Development**

### **Panel Member Induction/Refresher Sessions**

- 9<sup>th</sup> July 2021
- 9<sup>th</sup> September 2021
- 31<sup>st</sup> January 2022

### **LGA/Home Office Events**

- LGA PCP Workshop 13 July 2021
- LGA/Home Office webinar 2 March 2022

### **HMICFRS Inspections and Office of the PCC Structure – 20 January 2022**

- Presentation from Chief Constable Jo Farrell to provide an overview of HMICFRS inspection process and inspections undertaken with Durham Constabulary.
- Update on organisational structure of the Office of the PCC

### **Police Custody, Communications and Training – TBA**

- Development session on performance framework and linked to the Panel's work programme visits to custody, communications 101 system and police training centre are to be arranged.

## **Complaints**

The Panel has responsibilities within the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 to record and consider non-criminal complaints made against the PCC. A report on complaints received is presented as a standard item at each panel meeting. During 2021/22, there were no complaints received for consideration by the Police and Crime Panel.

## **Engagement with the work of the Panel by members of the public and the Police, Crime and Victims' Commissioner for Durham Constabulary**

The host authority's website includes a PCP webpage, that provides an overview of the panel's PCC's role and responsibilities. The page also provides reference to documentation including the panel's arrangements, complaints procedure and links to the panel's agendas and minutes and PCC's webpage.

The Panel's meetings during 2021/22 have been held in-person at County Hall, Durham. The panel's meetings in July, September 2021, November 2021, January 2022 and February 2022 were broadcasted live on youtube via Durham County Council's webpage and are available for the public to view. In addition, activity from Police and Crime Panel meetings has received coverage within local newspapers and their websites.

### **Engagement with the Office of the PCVC**

The Panel has held a professional and positive relationship with the Office of the PCC. In May 2021, Joy Allen was elected as the Durham PCC and has positively engaged with the panel on development of the police and crime plan and has also held a specific briefing session with panel members on potential options for the requirement to appoint a Deputy PCC.

Local elections for Durham County Council were also held in May 2021 and prior to the Panel's AGM, arrangements were made to hold a Police and Crime Panel Member Induction Session to which all Panel and Substitute members were invited. The session was held virtually on Microsoft teams and included an overview presentation delivered by the PCC on the roles and responsibilities of the office of the Durham PCC.

At its meeting in September 2021, the panel reviewed the PCC's draft police and crime plan to which in responding to the panel, the PCC expressed a wish to engage with the panel to seek comment from members on priority areas for further consultation on tackling ASB.

Following the confirmation hearing for the appointment of the Deputy PCC, Cllr Jones, Chair of the PCP, the panel's role within the appointment was included within the Office of the PCC's press release.

Following a request at the Panel's meeting in January 2022, arrangements with the Office of the PCC for a development session with the Panel to receive further detail on the HMICFRS inspection process and the Office of the Durham PCC Organisational Structure. The session was held on the 20 January 2022, via Microsoft Teams and the Chief Constable delivered the

presentation on HMICFRS inspections and the PCC's Chief Executive updated the Panel on the Office of the PCC's Organisational structure.

In addition to the above, there has been regular engagement between the panel secretariat and overview and scrutiny officer with the office of the PCC with reports to the panel's meetings to consider the Acting PCVC's Annual report 2020/21 and the PCC's Draft Police and Crime Plan, media reports, quarterly performance reports, PCC Decisions, Commissioning activity and HMICFRS Inspection reports.

The office of the PCC has also shared with the panel secretariat press releases for circulation to panel members upon release and linked to the panel's activity on concerns on 101 system has offered panel members a tour of the Police Control Room. In addition, linked to the Panel's work programme arrangements are also being made for a visit to a custody suite and the Police's training centre.

### **Responding to Government Consultations**

The Panel has provided responses to the MHCLG's consultation on remote meetings and to the Local Government Association for the Home Office's Part 2 review of PCCs.

## Panel Support

The Panel receives financial support through grant funding from the Home Office. The grant enables the host to claim up to £64,340 for administration and members expenses.

Total panel expenditure for 2021/22 was £100,184 with £64,340 to be recovered from the central government grant and the variance met by the Host Authority. A breakdown of expenditure is listed in the table below.

<b>Breakdown of expenditure (items)</b>	<b>£</b>
Director of Corporate Resources/Head of Service advice/support	17,923.51
Legal Advice/Support	45,477.19
Overview and Scrutiny Support	13,080.16
Democratic Services Support	9,264.67
HR/ICT/Finance/Accommodation costs	13,778.27
Printing and distribution	100.20
Travelling Expenses	380.00
Dedicated Data base	560.00
<b>Subtotal Total:</b>	<b>100,184.00</b>

It is to note that elected member expenses for panel activity are borne by their respective authority.

The Panel's expenditure has been reviewed in May 2022 by Durham County Council's Internal Audit and Risk Management Division, who concluded that *"The review confirmed that expenditure incurred had been in accordance with the terms and conditions of the grant."*

## Durham PCP Work Programme 2022/23

Date & Time	Suggested Items for Work Programme
23 June 2022 1.30pm Committee Room 2 County Hall Durham	<ul style="list-style-type: none"> <li>● Panel AGM – Appoint Char/Vice Chair</li> <li>● Joint Audit Committee Annual Report 2021/22</li> <li>● Media Report</li> <li>● Quarterly Performance Report</li> <li>● PCC Commissioning Activity</li> <li>● PCC Decisions</li> <li>● HMICFRS Inspection reports</li> <li>● Complaints Procedure Review</li> <li>● Complaints Report</li> <li>● PCP Annual report and Work Programme</li> </ul>
9 September 2022 10.00am Committee Room 2 County Hall Durham	<ul style="list-style-type: none"> <li>● PCC Annual Report 2021/22</li> <li>● Media Report</li> <li>● Quarterly Performance Report</li> <li>● PCC Commissioning Activity</li> <li>● PCC Decisions</li> <li>● HMICFRS Inspection reports</li> <li>● Complaints Report</li> </ul>
4 November 2022 10.00 am Committee Room 2 County Hall Durham	<ul style="list-style-type: none"> <li>● Media Report</li> <li>● Quarterly Performance Report</li> <li>● PCC Commissioning Activity</li> <li>● PCC Decisions</li> <li>● HMICFRS Inspection reports</li> <li>● Complaints Report</li> </ul>
1 February 2023 10.00 am Committee Room 2 County Hall Durham	<ul style="list-style-type: none"> <li>● Police, Crime and Commissioner's Proposed Precept for 2023/24</li> <li>● Media Report</li> <li>● Quarterly Performance Report</li> <li>● PCC Commissioning Activity</li> <li>● PCC Decisions</li> <li>● HMICFRS Inspection reports</li> <li>● Complaints Report</li> </ul>

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## **Durham Police and Crime Panel**

**23 June 2022**

### **Complaints Update**

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## **Report of Helen Lynch, Monitoring Officer and Clerk to the Police and Crime Panel**

### **1 Purpose of the Report**

- 1.1 To update members on number of formal complaints received since the last meeting.

### **2 Executive Summary**

- 2.1 On 16 October 2020 the Police and Crime Panel approved an update to the procedure for handling complaints relating to the PCC or the Deputy PCC. In addition to this the Police and Crime Panel agreed to receive at each regular meeting an update on the number of formal complaints received including those which may have been rejected without consideration by the Panel in accordance with the procedure.

### **3 Recommendation**

- 3.1 The Panel are asked to note the report.

## **4 Complaints Procedure**

- 4.1 The Police and Reform and Social Responsibility Act 2011 sets out the role and responsibility of Panels, this includes handling complaints relating to the Police and Crime Commissioner and their Deputy where appointed.
- 4.2 The Police and Crime Panel on 16 October 2020 reviewed and agreed an update to the procedure for dealing with complaints and conduct matters about the PCC and their Deputy. The updates to the procedure were made following recommendations of the Local Government Association (LGA) on the best practice for complaints handling.
- 4.3 Following the approval by the Panel to adopt the updated procedure, the procedure took effect for all complaints received after 16 October 2020. A copy of the updated procedure is available on the Durham County Council website and is also available on request.

## **5 Complaints Update**

- 5.1 The Panel have delegated responsibility to the Monitoring Officer to the Police and Crime Victims Commissioners Office for the initial receipt of complaints, and referral to the Panel, if there appears to be any substance in it. There may be instances where a complaint is not presented to the Panel such as withdrawn complaints or those which are outside of the policy to be considered.
- 5.2 In order to promote transparency and ensure effective scrutiny it was agreed on 16 October 2020 that the Panel would receive a report at each regular meeting on formal complaints received relating to the PCVC, including those which have not been presented to the Panel.
- 5.3 Between 24 February 2022 and 15 June 2022 there has been one formal complaint received in accordance with the procedure which will be considered by the Panel on 23 June 2022.

## **Background Papers**

None

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Contact:	Kamila Coulson-Patel	Tel: 03000 269674
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## **Appendix 1**

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### **Legal Implications**

The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 set out the functions of police and crime panels in relation to the handling of complaints concerning the conduct of police and crime commissioners, and provide for local arrangements to be made in order to resolve complaints.

### **Finance**

None specific for this report.

### **Consultation**

None specific for this report.

### **Equality and Diversity / Public Sector Equality Duty**

None specific for this report.

### **Climate Change**

None specific for this report.

### **Human Rights**

None specific for this report.

### **Crime and Disorder**

None specific for this report.

### **Staffing**

None specific for this report.

### **Accommodation**

None specific for this report.

### **Risk**

None specific for this report.

### **Procurement**

None specific for this report.

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## **Durham Police and Crime Panel**

**23 June 2022**

### **Review of Procedure for dealing with Complaints and Conduct matters against the Police and Crime Commissioner**

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#### **Report of Helen Lynch, Head of Legal and Democratic Services**

##### **Purpose of the Report**

1. To present to the Panel proposed revisions to the Procedure for dealing with Complaints and Conduct matters against the Police and Crime Commissioner.

##### **Executive summary**

2. The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 set out the functions of the Police and Crime Panel in relation to the handling of complaints concerning the conduct of Police and Crime Commissioner and Deputy Police Commissioner
3. The Panel is required to adopt a procedure, which is consistent with the Regulations for dealing with complaints against the PCC. The Panel last reviewed and made changes to the "Procedure for dealing with complaints and conduct matters about the Durham Police Crime and Victims Commissioner and/or Deputy Police Crime and Victims Commissioner at its meeting in October 2020.
4. On 6 May 2022, the Clerk to the Panel held a workshop for members of the Panel to provide an overview of the Complaints Procedure and underpinning legislation. During the workshop, a number of suggestions were made as to amendments, which would make the Procedure easier for potential complainants to understand and follow.
5. This report sets out those proposed amendments for the Panel to consider and formally adopt.

## **Recommendation**

6. The Police and Crime Panel are recommended to:
  - (a) Comment on the amended draft Procedure; and
  - (b) Approve the amended Procedure to be implemented and applied to any complaint received after 23 June 2022.
  - (c) Delegate authority to the Clerk of the Panel, in consultation with the Chair and Vice-Chair of the Panel to make minor amendments to the Procedure and to ensure that it is in an accessible format.

## Background

7. The Police Reform and Social Responsibility Act 2011 (“the Act”) sets out the role and responsibilities of the Police and Crime Panel, which includes the handling of complaints relating to the Police and Crime Commissioner (PCC) and Deputy Police and Crime Commissioners (DPCC).
8. In accordance with the Act and the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 (“the Regulations”), the Panel first adopted Procedures for dealing with complaints and conduct matters about the PCC (then referred to locally as the Police Crime and Victims Commissioner) in November 2012. The Procedure adopted at that time was based on the model procedures adopted by many Police and Crime Panels.
9. The Police and Crime Panel reviewed and amended the Procedure to ensure that it reflected the Local Government association guidance for Police and Crime Panels, which includes guidance on complaints handling. The changes approved were relatively minor and included the updating of relevant roles/postholders and sought to simplify the language used and also to make the document accessible.
10. On 6 May 2022, the Panel attended a workshop on the complaints process, which was delivered by the Clerk to the Panel. The session provided an overview of the legislative basis for the procedure, the different types of complaint, the role of the Panel as well as the practicalities of what happens when a complaint is received.
11. Under the legislation, responsibility for dealing with complaints against the PCC/DPCC is within the remit of the Panel. However, the complaints operate within a very narrow statutory framework.
12. Where a complaint is received, which indicates that the PCC/DPCC may have committed a criminal offence (Conduct Matter) or constitutes or appears to constitute a criminal offence (Serious Complaint), the Panel must refer the matter to the Independent Office of Police Conduct (IOPC).
13. Where a complaint is received, which is not a conduct matter or a serious complaint matter, it falls to the Panel to consider by way of informal resolution. The Panel has no powers to investigate complaints but can request the PCC/DPCC to provide information or attend the Panel to answer questions. The Panel also has no powers to impose sanctions.
14. The informal resolution process is not a disciplinary process but is intended to facilitate the resolution of complaints to the satisfaction of the parties involved. The intention is that the Procedure can be flexible to adapt to the particular circumstances of the complaint.

## **Proposed changes to the Procedure**

15. Under the Regulations, the Panel may delegate responsibility for the initial handling of complaints to the Chief Executive and Monitoring Officer for the PCC's office.
16. The Panel has delegated this responsibility to the PCC's Chief Executive. However, where they consider that there may be a conflict, the Procedure provides that they can refer the matter to the Clerk to the Panel to determine whether it is a matter for the Panel or the IOPC to determine.
17. The Panel discussed this at the workshop and considered whether this was appropriate. Whilst there might be no actual conflict with the Chief Executive handling complaints, there could be a perception of conflict given that the Chief Executive reports to the PCC.
18. The Panel are aware that this issue was considered by the Government when Police and Crime Panels were established. At that point it was considered that no conflict arose. The Chief Executive is already responsible for assessing the lawfulness and propriety of the PCCs actions in their capacity as monitoring officer, which they are able to conduct effectively and impartially.
19. Notwithstanding this, the Panel considered it would promote transparency and accountability if the potential for the perception of conflict was addressed. It was noted that it is not practical for the Panel to convene on receipt of a complaint to determine whether or not it requires a referral to the IOPC or to be dealt with by informal resolution.
20. It was therefore suggested that the responsibility for the initial handling of complaints be delegated from the Panel to the Clerk of the Panel in accordance with section 101(2) of the Local Government Act 1972, which allows a committee to arrange for its functions to be discharged by an Officer.
21. The Panel also considered that the Procedure is quite difficult to follow in places. It was acknowledged that this is because that the Procedure largely mirrors the Regulations, which are also difficult to digest. There was a concern that this might prevent members of the public from being able to raise their concerns. The Clerk was therefore requested to review the Procedure to see if it could be streamlined, simplified and re-ordered to make it easier for the public to follow.
22. Appendix 2 to the report is a copy of the existing procedure, which shows the proposed amendments as tracked changes. The changes appear

significant but other than the amendment reflected at paragraph 20, the other changes seek to simplify the procedure and re-order it to deal with each stage of the complaints process in turn. The terminology has been reviewed to ensure that it is as simple as possible and key terms are defined within the document to aid understanding. A clean copy of the revised document is attached at Appendix 3 to the report.

## **Considerations for the Panel**

23. In considering the proposed revisions to the Procedure, the Panel may wish to consider the LGA guidance, which recommends that Panels consider the following:

- Responsibility for all types of complaint is clearly set out;
- Whether a triage system would be useful;
- Making sure that complainants understand that recording a complaint is not the same as upholding it;
- Considering whether it is appropriate for the Chair of the Panel to see all complaints;
- Having clear guidance for recording complaints;
- Developing clear communication to explain what is happening to members of the public;
- Rather than referring to the IOPC general casework team; referrals should be to a specialist link with experience of PCC complaints;
- Having a process to take back and conclude complaints when received back from the IOPC.

## **Background papers**

- LGA Guidance – Good Practice for Police and Crime Panels [good-practice-police-and--50a.pdf \(local.gov.uk\)](#)

## **Other useful documents**

- None

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**Contact:** Helen Lynch

Tel: 03000 269732

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## **Appendix 1: Implications**

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### **Legal Implications**

The report references the responsibilities under the Police Reform and Social Responsibility Act 2011 and the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 for the Panel in respect of complaints. The proposed revisions to the Procedure are in accordance with the legislative requirements.

### **Finance**

None

### **Consultation**

The proposed changes were developed following a workshop with the Police and Crime Panel.

### **Equality and Diversity / Public Sector Equality Duty**

It is hoped that by simplifying and streamlining the procedure, it will be more accessible to the public.

### **Climate Change**

None.

### **Human Rights**

None.

### **Crime and Disorder**

This is a key focus of the role of the Police and Crime Commissioner and Police and Crime Panel.

### **Staffing**

If the proposals are approved by the Panel, the Clerk rather than the PCC's Chief Executive would be responsible for the initial handling of complaints. In practice, this is unlikely to have a significant impact as the Clerk is routinely consulted in respect of all complaints received.

### **Accommodation**

None.

### **Risk**

None.

### **Procurement**

None.

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## Appendix 2: XXXX

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## DURHAM POLICE AND CRIME PANEL

PROCEDURE FOR DEALING WITH COMPLAINTS  
RELATING TO THE DURHAM POLICE AND, CRIME ~~AND~~  
~~VICTIMS'~~ COMMISSIONER AND DEPUTY POLICE AND,  
CRIME ~~AND VICTIMS'~~ COMMISSIONER (IF APPOINTED)

## **1 Overview**

- 1.1 ~~This procedure deals with~~ This procedure deals with complaints about the conduct of the Durham Police, Crime and Victims' Commissioner (PCVC) or Deputy Police, Crime and Victims' Commissioner (DPCVC) (where appointed) (collectively referred to as the Commissioner) in accordance with the requirements of which is required by the Police Reform and Social Responsibility Act 2011 ("the Act") and the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 ("the Regulations").
- 1.2 ~~The appropriate regulations are the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 ("the Regulations") and nothing in this procedure overrules the provisions of those Regulations~~ Where this Procedure is inconsistent with the Act or Regulations, the Act or Regulations will take precedence.
- 1.3 There are separate procedures for complaints against the Commissioner's office and staff, complaints regarding operational policing, the Chief Constable and other police officers.

## **2 Role and Jurisdiction of the Panel in relation to Complaints**

~~2.1 The Regulations require the Durham Police and Crime Panel ("the Panel") to handle and consider complaints against the Commissioner.~~

~~2.2.1~~ The Durham Police and Crime Panel ("the Panel") is responsible for overseeing the handling of complaints regarding non-criminal behaviour of the Commissioner, wherever that complaint arises from. Criminal complaints about the Commissioner are dealt with by the Independent Office for Police Conduct (IOPC).

~~2.3.2~~ The Panel cannot impose sanctions but may choose to use their powers to require the Commissioner to attend a hearing to answer questions, request information and documents from the Commissioner and publish a report or recommendation.

## **3 Definitions and Concepts**

~~3.1 The complaints which can be presented to the Panel can be categorised as follows:~~

### **Complaint -**

~~A general complaint about the conduct of the PCC/DPC~~ This is a complaint that the Panel is required under the Regulations to record on the Recorded Complaints and Conduct Matters Register database.

### **Conduct Matter -** where there is

~~This is where there is~~ an indication that the Commissioner may have committed a criminal offence. This could be, for example, through legal proceedings or media reporting. Conduct Matters can arise without a complaint being made, and must be notified to the IOPC

-

**Recorded Complaints and Conduct Matters Register** – an electronic database which records all key details pertaining to complaints against the Commissioner, including the date received, the complainant, a summary of the complaint, the type of complaint (e.g. conduct matter, serious complaint, general complaint) and intended action.

**Serious Complaint -**

~~This is~~ a complaint about the conduct of the Commissioner which constitutes or appears to constitute or involve the commission of a criminal offence. ~~The IOPC must be notified of Serious Complaints.~~

## 4 Initial Handling of Complaints

~~3.2~~ The Panel has delegated responsibility for the initial handling of complaints to the Clerk and Monitoring Officer to the Panel (“the Clerk”), to the Monitoring Officer to the Office of the Police and Victims Crime Commissioner (the Monitoring Officer) for the initial receipt of complaints and referral to the Panel.

### 4.1

4.2 Where possible, Complainants are asked to use the complaint form shown at Annex 1, and provide as much detail as possible. Complaints should be submitted to:

~~The Monitoring Officer~~Clerk to the Police and Crime Panel  
~~Office of the Durham Police, Crime and Victims’~~  
~~Commissioner~~Durham County Council  
~~County Hall~~Police Headquarters  
Aykley Heads  
Durham  
DH1 5UL

or by email ~~General.EnquiriesPCC@durham-~~  
~~pcc.gov.uk~~helen.lynch@durham.gov.uk

4.3 Where a complaint is submitted to the Office of the Police and Crime Commissioner or Members of the Panel, they should be referred immediately to the Clerk for review.

4.4 Where a complaint is submitted directly to the IOPC, the IOPC will notify the Panel unless the IOPC considers that there are exceptional circumstances to justify the notification not being given.

### On receipt of a complaint

4.5 On receipt of a complaint, the Clerk will review the complaint and take one of the following actions:

- (i) If the complaint relates to an issue about local crime/ Neighbourhood concerns or other operational policing matters rather than the conduct of the Commissioner, it will be referred to Durham Constabulary in accordance with their relevant procedures.
- (ii) Conduct matters or Serious complaints will be referred directly to the IOPC as soon as is practicable and in any event not later than the end of the following day when it becomes clear that it should be referred, and provide a copy of the complaint to the Monitoring Officer to the Commissioner within the same timescales.
- (iii) General complaints regarding the conduct of the Commissioner or complaints, which have been considered by the IOPC and

referred back to the Panel, will be referred to the Panel for consideration by way of Informal Resolution.

(iv) The Clerk, in consultation with the Chair and Vice Chair of the Panel can decide not to refer the complaint for resolution or take no action at all in the following circumstances:

- A complaint by a member of the Commissioner's staff, arising from their work. Such complaints will be referred to the Office for the Police Commissioner to be dealt with in accordance with the relevant employment procedures.
- A complaint that is more than 12 months old where there is no good reason for the delay or the delay would be likely to cause injustice.
- A complaint about conduct that is already the subject of another complaint.
- An anonymous complaint.
- A complaint which is vexatious, oppressive, trivial or otherwise an abuse of process for dealing with complaints (detailed in Annex 2).
- A repetitious complaint.

4.5—On receipt of a complaint, the Clerk will review the complaint and take one of the following actions:

i) If the complaint relates to an issue about local crime/Neighbourhood concerns or other operational policing matters rather than the conduct of the Commissioner, it will be referred to Durham Constabulary in accordance with their relevant procedures.

ii) Conduct matters or Serious complaints will be referred directly to the Monitoring Officer. If there is a complaint that alleges criminal conduct, the Monitoring Officer will refer the matter directly to the IOPC as soon as is practicable and in any event not later than the end of the following day when it becomes clear that it should be referred, and provide a copy of the complaint to the Monitoring Officer to the Panel who is also the Clerk to the Panel (the Clerk) Commissioner within the same timescales.

iii) General complaints regarding the conduct of the Commissioner will be referred to the Panel for consideration by way of Informal Resolution.

3.3—Where complaints are presented directly to the Panel these should be immediately directed to the Clerk along with any other available information that is relevant to the complaint. The Clerk will then immediately forward the complaint to the Monitoring Officer for initial handling, unless it appears to the Clerk that the complaint alleges criminal activity. In such an instance the Clerk will direct the complaint immediately to the IOPC as soon as is practicable and in any event not later than the end of the following day when it becomes clear that it should be referred, and provide a copy of the complaint to the Monitoring Officer.

~~3.4 If the complaint is made directly to the Commissioner, the Commissioner must notify the Monitoring Officer in writing of the matter of the complaint and provide details of the steps they have taken to preserve evidence. This must be done by no later than the end of the working day following the day on which the complaint was made and must include its location and whose custody it is in.~~

~~3.5 Where a complaint is made to the IOPC, it is the duty of the IOPC to notify the Panel, unless the IOPC considers that there are exceptional circumstances to justify the notification not being given.~~

~~iv) The Clerk in consultation with the Chair and Vice Chair of the Panel can decide not to refer the complaint for resolution or take no action at all in the following circumstances:~~

~~A complaint by a member of the Commissioner's staff, arising from their work. Such complaints will be referred to the Office for the Police Commissioner to be dealt with in accordance with the relevant employment procedures.~~

~~A complaint that is more than 12 months old where there is no good reason for the delay or the delay would be likely to cause injustice.~~

~~4.6 To promote transparency and ensure effective scrutiny, the Clerk will present a report at each regular meeting on complaints which have been subject to initial handling but not referred to the Panel and the reasons for this.~~

### Recording of Complaints

~~4.7 The Clerk will record all complaints on the Recorded Complaints and Conduct Matters Register ("the Register") unless the complaint has already been recorded, it is or has been the subject of criminal proceedings or the complaint is withdrawn.~~

~~A complaint about conduct that is already the subject of another complaint.~~

~~An anonymous complaint.~~

~~A complaint which is vexatious, oppressive, trivial or otherwise an abuse of process for dealing with complaints (detailed in Annex 2).~~

~~A repetitious complaint.~~

~~4.6 To promote transparency and ensure effective scrutiny, the Panel Clerk will present a will receive a report of the Clerk at each regular meeting on complaints which have been subject to initial handling and have not been but not referred to the Panel and the reasons for this.~~

### Recording of Complaints

~~4.7 The Clerk will record all complaints on the Recorded Complaints and Conduct Matters Register ("the Register") unless the complaint has already been recorded, it is or has been the subject of criminal proceedings or the complaint is withdrawn.~~

### Acknowledgement of Complaints

4.8 The Clerk will acknowledge receipt of the complaint, confirm that it has been recorded on the Register and whether the complaint has been referred to the IOPC or whether it will be referred to the Panel. Where possible, complaints should be acknowledged within five working days.

~~4.8 The Clerk will acknowledge receipt of the complaint, confirm that it has been recorded on the Register and whether the complaint has been referred to the IOPC or whether it will be referred to the Panel. Where possible, complaints should be acknowledged within five working days.  
Where possible, the complaints should be acknowledged within five working days.~~

#### Duty to obtain & preserve evidence

##### Duty to obtain & preserve evidence

4.9 When a complaint comes to the attention of the Panel, it is under a duty to secure that all appropriate steps are taken to obtain and preserve evidence in relation to the conduct in question, both initially and from time to time after that.

4.10 The Clerk, in consultation with the Chair and Vice-Chair of the Panel, will liaise with the IOPC in relation to the obtaining and preservation of evidence.

4.11 The Panel may make formal requests or take such steps as considered expedient or necessary for obtaining and preserving evidence in relation to the conduct in question. This may include requests concerning the disposition of property and resources in the PCC's office (such as buildings, assets, equipment, supplies, accounts, records, information, electronic data etc.) or to the Commissioner, an employee of the Commissioner or any person or organization having a current or past contractual relationship with the PCCs office, its predecessors or in receipt of grant from such bodies.

4.12 Any person given a direction by the Panel under this Procedure shall comply with it in full and generally co-operate with the Panel and its authorised Officers in the discharge of their statutory duties under the Regulations.

4.13 The Panel shall be informed of any instances where there has been complete or partial failure to comply with any request regarding evidence.

~~4.9 When a complaint comes to the attention of the Panel, it is under a duty to secure that all appropriate steps are taken to obtain and preserve evidence in relation to the conduct in question, both initially and from time to time after that.~~

~~4.10 The Clerk, in consultation with the Chair and Vice-Chair of the Panel, will liaise with the IOPC in relation to the obtaining and preservation of evidence.~~

~~4.11 The Panel may make formal requests or take such steps as considered expedient or necessary for obtaining and preserving evidence in relation to the conduct in question. This may include requests concerning the disposition of property and resources in the PCC's office (such as buildings, assets, equipment, supplies, accounts, records, information, electronic data etc.) or to the Commissioner, an employee of the Commissioner or any person or organization having a current or past contractual relationship with the PCCs office, its predecessors or in receipt of grant from such bodies.~~

~~4.12 Any person given a direction by the Panel under this Procedure shall comply with it in full and generally co-operate with the Panel and its authorised Officers in the discharge of their statutory duties under the Regulations.~~

~~4.13 The Panel shall be informed of any instances where there has been complete or partial failure to comply with any request regarding evidence.~~

## **5. –Complaints to be dealt with by the Panel – Informal Resolution**

~~5.1 The Clerk will provide details of the complaint to the Commissioner and invite them to respond to the complaint. The Commissioner will usually be given two weeks in which to provide their response.~~

~~5.2 The Clerk will prepare a report for the Panel (or if considered appropriate a sub-Committee of the Panel), setting out the pertinent details of the complaint and the Commissioner's response to the complaint. The report will also detail the relevant legislation, regulations and guidance with recommendations on the next steps.~~

~~5.1 The Clerk will write to the person complained about, setting out timescales and providing details about the informal resolution procedure and giving them two weeks to make comments in response to the complaint provide details of the complaint to the Commissioner and invite them to respond to the complaint. The Commissioner will usually be given two weeks in which to provide their response.~~

~~5.2.~~

~~The Clerk will compileprepare a brief report for the Panel (or if considered appropriate a sub-Committee of the Panel), setting out the pertinent details of the complaint and the Commissioner's, responses to the complaint and comments on matters of fact on the draft report. The report will also detail the relevant legislation, regulations and guidance with recommendations on the next steps.~~

~~5.3 The Clerk will share a copy of the draft report with the Complainant and the Commissioner and offer the opportunity to comment on matters of fact within the draft report. They will also be asked to make representations as to whether the outcome of the complaint should be published. The Complainant and Commissioner will usually be given at~~

least seven days to provide their comments/representations.

5.4 The Clerk will finalise the report, including any comments/representations received by the Complainant and/or Commissioner, to be presented at a meeting of the Panel ~~Upon meeting, the Panel (or a Sub-Committee of it where applicable).~~

5.5 ~~The Panel will first consider whether the complaint has been satisfactorily dealt with and, subject to any representations by the complainant, may decide to treat the complaint as having been resolved. In such a case, the Panel's reasons will be recorded and notified to the parties.~~

5.6 If the Panel believes that the matter has not yet been satisfactorily dealt with, it will determine the most suitable course of action to assist informal resolution, taking into account any applicable guidance issued by the Secretary of State and any applicable guidance issued by the IOPC. Any such action plan will include an indicative timeframe.

5.7 In determining the most suitable course of action, the Panel may request that the Commissioner provides information or attends before the Panel to answer questions.

5.8 The Panel shall have regard to:

- The Code of Conduct of the Commissioner;
- Whether the complaint discloses a specific conduct failure identifiable with the Code of Conduct of the Commissioner;
- Whether the complaint related to operational policing matters which the Commissioner has no authority over; and
- The remedies available to it.

~~The Code of Conduct of the Commissioner;  
Whether the complaint discloses a specific conduct failure identifiable within the Code of Conduct of the Commissioner;  
Whether the complaint related to operational policing matters which the Commissioner has no authority over; and  
The remedies available to it.~~

5.9 Informal resolution may not involve an investigation and it is not a disciplinary process. The intention is for the procedure to be flexible so it can be adapted to individual circumstances. The aim is to resolve a complaint to the satisfaction of the parties involved. For example, the Commissioner may agree that an apology would be appropriate, an explanation might resolve the concern, or an agreement on how to move forward may be reached following mediation.

5.10

5.10—In considering the complaint, the Panel will meet in private. The Panel can take any steps that it considers appropriate to resolve the complaint provided that those steps do not amount to a sanction. Such

steps may include (but are not limited to): If the Panel believes that the matter has not yet been satisfactorily dealt with, it will determine the most suitable course of action to assist informal resolution, taking into account any applicable guidance issued by the Secretary of State and any applicable guidance issued by the IOPC. Any such action plan will include an indicative timeframe. Any action plan may include the following:

- Asking ~~Requesting~~ the Clerk to the Panel to write an explanatory letter to the complainant on behalf of the Panel;
- Requesting that an officer of the PCVC's Office write an explanatory letter to the complainant;
- Suggesting a change to the Office of the PCVC policy;
- Requesting that ~~the Commissioner apologises in respect of the conduct complained of~~ an apology be tendered by the person complained about (no apology may be tendered on behalf of the person complained against ~~Commissioner unless that person has~~ they have admitted the alleged conduct and agreed to the apology).

5.11 In accordance with Regulations, the Panel will not conduct an investigation. The Panel may exercise its delegated powers to require the person complained against to provide information or documents or attend before it to answer questions or give evidence, as this will not be regarded as an investigation. However, any other step intended to gather information about the complaint, other than inviting the comments of the complainant and the person complained against, will not be permitted.

~~5.11~~ The Panel will consider whether the outcome of the complaint shall be published. The Panel shall not publish any part of any such record unless the Panel;

- (i) has given the complainant and Commissioner the opportunity to make representations in relation to the proposed publication; and
- (ii) having considered any such representations, is of the opinion that publication is in the public interest.

~~i) has given the complainant and Commissioner the opportunity to make representations in relation to the proposed publication; and~~

~~ii) having considered any such representations, is of the opinion that publication is in the public interest.~~

5.12 If, at any stage, the IOPC informs the Panel that it requires the complaint to be referred to it, or if the ~~Clerk in consultation with the Chair and Vice-Chair of the~~ Panel decides that the matter has a criminal element and therefore needs to be referred to the IOPC, the informal resolution process will be discontinued.

The Clerk will make a record of any informal resolution and will, usually within five working days, provide copies to the complainant and the person complained about.

~~— The Panel shall not publish any part of any such record unless the Panel: — has given the complainant and the person complained against the opportunity to make representations in relation to the proposed publication; and — having considered any such representations, is of the opinion that publication is in the public interest.~~

~~— In considering complaints against the Commissioner, the Panel will meet in private and will report to each quarterly scheduled meeting of the Panel summarising any complaints that have been considered since the last meeting, including the outcome.~~

### Notification of the outcome of complaints

5.13 A record of the outcome (decision notice) must be made as soon as practicable after the process is completed. Copies must be provided to the complainant and the person complained against. The Clerk will usually aim to do this within seven days of the Panel meeting.

5.14

~~5.14 If applicable, the Clerk will arrange for the outcome of the complaint to be published. The Panel may decide to publish the decision notice if it is considered to be in the public interest and having provided the complainants and the Commissioner the opportunity to make representations on whether or not it should be published~~

## **6. Withdrawn Complaints**

6.1 A complainant can withdraw or discontinue their complaint at any time by notifying the Panel in writing (addressed to the Clerk) and signing the notification. The Clerk will record the complaint as having been withdrawn on the Register.

6.2 Where a complaint has been referred to the IOPC, the Clerk will notify the IOPC of the complainant's notification of withdrawal/discontinuance.

6.3 The Panel may decide not to treat the complaint as withdrawn, but to treat it as a Conduct Matter and refer it to the IOPC in accordance with the procedure referred to above. This decision will be made by the Clerk in consultation with the Chair and Vice-Chair of the Panel.

6.4 The Clerk will notify the Commissioner that the complainant has withdrawn or discontinued their complaint and if it is a matter that the Panel intends to refer to the IOPC as a Conduct Matter or Serious Complaint.

## **5 Conduct occurring outside England and Wales**

5.1 The Commissioner has a duty to notify the Panel of any allegation, investigation or proceedings in relation to their conduct which would otherwise be a Conduct Matter under the Regulations only by reason of the fact that the conduct in question did not occur in England or Wales.

5.2 If the Panel receives such a notification from the Commissioner then they shall handle it in whatever manner (if any) that the Panel thinks fit.

5.3 Accordingly, by no later than the end of the working day following the day on which the investigation, allegation or proceedings (as above) comes to their attention, the Commissioner shall notify the Panel via the Clerk in writing of the matter.

## **7 Record Keeping and Provision of Information**

7.1 The Register and records relating to complaints against the Commissioner will be retained for 12 months after the Commissioner leaves office.

7.2 On receipt of a notification from the IOPC for documents or information from the Panel, the Clerk shall provide all such information, documents and evidence as requested to the IOPC.

## **8 Appeals**

8.1 There is no right of appeal to informal resolution.

8.2 Where all other procedures have been exhausted and the complainant is still not happy about the way their complaint has been handled, they can refer the matter to The Local Government and Social Care Ombudsman.

Contact details can be found at <http://www.lgo.org.uk/making-a-complaint/> or by telephone contacting 0300 061 0614

### Duty to preserve evidence

~~3.6 Where a complaint is made, the first task is to ensure that all appropriate steps are taken to obtain and preserve evidence relating to the complaint. This duty is ongoing until or unless arrangements are made for the complaint to be dealt with through informal resolution. This is the exception because informal resolution does not involve investigation of the complaint i.e. obtaining evidence about it.~~

### ~~4 Notification and recording of complaints~~

~~4.1 Where a complaint is considered by the Monitoring Officer to have substance to it, they will refer the complaint back to the Panel for recording and consideration. This will be done by presenting the complaint to the Clerk to the Panel within five working days.~~

~~4.2 If the Monitoring Officer considers that either there is an actual, or there could be a perceived, conflict of interest in respect of them taking any of the decisions they shall refer the matter to the Clerk for the Panel for consideration. Such referral will be made no later than two working days after identifying the actual or perceived conflict of interest.~~

~~4.3 If the complaint relates to another police force area, the Panel for that area must be notified by the Clerk to the Panel.~~

~~4.4 If the complaint relates to the force area for the Panel it will be recorded on the database unless section 5.8 and 6 of this procedure apply.~~

~~4.5 If the complaint is recorded, the complainant and the person complained against will be provided with a copy of the record of complaint. In certain circumstances the record may be anonymised to protect the identity of the complainant or any other person. In some cases the Clerk may decide not to provide a copy of the record, if doing so might prejudice any criminal investigation or pending proceedings or would, in some other way, not be in the public interest.~~

~~4.6 Any decision not to provide the record will be kept under regular review.~~

~~4.7 The duty to provide a copy of the record does not apply where the complaint has been, or is already being, dealt with by criminal proceedings, or where the complaint is withdrawn.~~

~~4.8 The Clerk in conjunction with the Chair and Vice Chair may also take the decision not to record the complaint and take no further~~

~~action if the complaint falls within one or more of the categories which are detailed at section 6 below.~~

## ~~5 — Circumstances when the Panel does not need to deal with a complaint~~

~~5.11.1 The Clerk in consultation with the Chair and Vice Chair of the Panel can decide not to refer the complaint for resolution or take no action at all in the following circumstances:~~

- ~~● A complaint by a member of the Commissioner's staff, arising from their work.~~
- ~~● A complaint that is more than 12 months old where there is no good reason for the delay or the delay would be likely to cause injustice.~~
- ~~● A complaint about conduct that is already the subject of another complaint.~~
- ~~● An anonymous complaint.~~
- ~~● A complaint which is vexatious, oppressive, trivial or otherwise an abuse of process for dealing with complaints (detailed in Annex 2).~~
- ~~● A repetitious complaint.~~

~~The complainant will be notified if the decision is taken not to deal with a complaint.~~

~~5.21.1 To promote transparency and ensure effective scrutiny, the Panel will receive a report of the Clerk at each regular meeting on complaints which have been subject to initial handling and have not been referred to the Panel.~~

## ~~6 — The Panel's duties on notification of a Complaint~~

~~6.1 Where a complaint does not need to be referred to the IOPC or has been referred back to the Panel by the IOPC, the Monitoring Officer will:~~

- ~~i. provide the complainant and the person complained about the contact details of the Clerk.~~
- ~~ii. refer the complaint and copies of all the associated paperwork, to the Clerk within two working days of consideration of the complaint.~~

~~6.2 On receipt of the complaint, the Clerk to the Panel will:~~

- ~~i. assess the complaint to ensure that it clearly identifies the alleged conduct matter.~~
- ~~ii. refer unclear complaints back to the Monitoring Officer seeking further information.~~
- ~~iii. consider whether the complaint has been satisfactorily dealt with and if so, consult with the complainant to treat the complaint as withdrawn.~~
- ~~iv. in appropriate cases, consider in consultation with the Chair of the Panel whether the complaint is suitable for the disapplication of the~~

~~Regulations (section 6). Where a complaint may be suitable for disapplication of the Regulations, the Clerk will consult with the Complainant and the Commissioner before determining whether a disapplication is appropriate. Where disapplication applies the complaint will be recorded as complete.~~

~~vi. Where a complaint is one which is not referred to the IOPG and is to be considered under informal resolution, to the complainant, setting out timescales and providing details about the informal resolution procedure, and giving the complainant two weeks to make further comments in support of their complaint. Where the Clerk believes that the circumstances of the case are such that the Panel may decide to treat the complaint as having been resolved, they will ask the complainant to provide their representations in this regard for the Panel to take into account; and~~

~~vii.i. write to the person complained about, setting out timescales and providing details about the informal resolution procedure and giving them two weeks to make comments in response to the complaint.~~

~~6.31.1 The Clerk will compile a brief report for the Panel (or if considered appropriate a sub-Committee of the Panel), setting out the pertinent details of the complaint, responses to the complaint and comments on matters of fact on the draft report. The report will also detail the relevant legislation, regulations and guidance with recommendations on the next steps.~~

~~6.41.1 Upon meeting, the Panel (or a Sub-Committee of it where applicable) will first consider whether the complaint has been satisfactorily dealt with and, subject to any representations by the complainant, may decide to treat the complaint as having been resolved. In such a case, the Panel's reasons will be recorded and notified to the parties.~~

~~6.51.1 The Panel shall have regard to:~~

- ~~• The Code of Conduct of the Commissioner;~~
- ~~• Whether the complaint discloses a specific conduct failure identifiable within the Code of Conduct of the Commissioner;~~
- ~~• Whether the complaint related to operational policing matters which the Commissioner has no authority over; and~~
- ~~• The remedies available to it.~~

~~6.61.1 If the Panel believes that the matter has not yet been satisfactorily dealt with, it will determine the most suitable course of action to assist informal resolution, taking into account any applicable guidance issued by the Secretary of State and any applicable guidance issued by the IOPG. Any such action plan will include an indicative timeframe. Any action plan may include the following:~~

- ~~• Asking the Clerk to the Panel to write an explanatory letter to the complainant on behalf of the Panel;~~
- ~~• Requesting that an officer of the PCVC's Office write an explanatory letter to the complainant;~~
- ~~• Suggesting a change to the Office of the PCVC policy;~~
- ~~• Requesting that an apology be tendered by the person complained about (no apology may be tendered on behalf of the person complained against unless that person has admitted the alleged conduct and agreed to the apology).~~

~~6.71.1 In accordance with Regulations, the Panel will not conduct an investigation. The Panel may exercise its delegated powers to require the person complained against to provide information or documents or attend before it to answer questions or give evidence, as this will not be regarded as an investigation. However, any other step intended to gather information about the complaint, other than inviting the comments of the complainant and the person complained against, will not be permitted.~~

~~6.81.1 If, at any stage, the IOPC informs the Panel that it requires the complaint to be referred to it, or if the Panel decides that the matter has a criminal element and therefore needs to be referred to the IOPC, the informal resolution process will be discontinued.~~

~~6.91.1 The Clerk will make a record of any informal resolution and will, usually within five working days, provide copies to the complainant and the person complained about.~~

~~6.101.1 The Panel shall not publish any part of any such record unless the Panel:~~

- ~~• has given the complainant and the person complained against the opportunity to make representations in relation to the proposed publication; and~~
- ~~• having considered any such representations, is of the opinion that publication is in the public interest.~~

~~6.111.1 In considering complaints against the Commissioner, the Panel will meet in private and will report to each quarterly scheduled meeting of the Panel summarising any complaints that have been considered since the last meeting, including the outcome.~~

## **7 Resolution of Complaints**

~~7.1 If a complaint is not referred to the IOPC or rejected it must be dealt with by informal resolution. This is a way of dealing with a complaint by solving, explaining, clearing up or settling the matter directly with the complainant without an investigation or formal proceedings. It is a flexible process that may be adapted to the needs of the complainant and the individual complaint.~~

~~7.2 If a complaint has already been satisfactorily dealt with by the time it comes to the Panel's attention, the complaint may be considered resolved and no further action taken. The Clerk can take this decision following consultation with the Chair and Vice-Chair of the Panel.~~

~~7.3 Matters requiring informal resolution will be considered by the Panel or by a Sub-Committee where section 7.2(v) applies. The Panel or a Sub-Committee of it may take such steps as appropriate to resolve the matter.~~

~~7.4 Informal resolution will be discontinued if the IOPC notifies the Panel that they require the complaint to be referred to them, or if the Clerk in consultation with the Chair and Vice-Chair of the Panel decides the complaint should be referred to the IOPC.~~

## **8 — Requirements for informal resolution**

8.1 The intention is for the procedure to be flexible so it can be adapted to individual circumstances. However, there are some formal requirements:

- No investigation can take place. The Panel has the power to require the person complained against to provide information and documents and to attend to answer questions. This does not amount to an investigation.
- The complainant and the person complained against must be given the opportunity to comment on the complaint as soon as is practicable.
- Any failure by the person complained against to comment on the complaint when invited to do so will be noted in the written record.
- No apology can be tendered on behalf of the person complained against unless the person has admitted the alleged conduct and agreed to the apology.

## **9 — The outcome of informal resolution**

9.1 There are no formal sanctions arising from informal resolution however, the Panel may publish a report or recommendation.

9.2 The aim is to resolve a complaint to the satisfaction of the parties involved. For example, the person complained against may agree that an apology would be appropriate, an explanation might resolve the concern, or an agreement on how to move forward may be reached following mediation.

### Publishing the outcome of informal resolution

~~9.31.1 A record of the outcome (decision notice) must be made as soon as practicable after the process is completed. Copies must be provided to the complainant and the person complained against.~~

~~9.41.1 The Panel may decide to publish the decision notice if it is considered to be in the public interest and having provided the complainants and the Commissioner the opportunity to make representations on whether or not it should be published~~

## **10 — B Conduct Matters and Serious Complaints**

10.1 The Panel has delegated authority to the Clerk for filtering complaints and deciding which complaints may amount to a Conduct Matter or Serious Complaint and should be referred to the IOPC. For a Conduct Matter or Serious Complaint the Clerk will determine the referral to the IOPC in consultation with the Chair and Vice-Chair to the Panel. The Clerk may take advice from the IOPC before making a referral.

10.2 The referral must be made to the IOPC as soon as possible and no later than the close of business the day after the Panel becomes aware that the matter should be referred.

10.3 In addition to Conduct Matters and Serious Complaints, complaints which are required by the IOPC to be referred must be referred.

### Conduct Matters

- ~~10.4 For the purposes of the Regulations a “Conduct Matter” is a matter in the case of which there is an indication (whether from the circumstances or otherwise) that the Commissioner may have committed a criminal offence in England or Wales or, although committed elsewhere, it is an offence triable in England or Wales.~~
- ~~10.5 A complaint does not need to have been made for a Conduct Matter to arise and to be dealt with under the Regulations.~~
- ~~10.6 Conduct Matter must be recorded by the Panel and entered into the Recorded Complaints and Conduct Matters Database (detailed at section 11)~~

### Serious Complaints

- ~~10.7 The Panel is not responsible for investigating or determining whether a crime has been committed.~~
- ~~10.8 A ‘serious complaint’ means a qualifying complaint made about conduct which constitutes or involves, or appears to constitute or involve, the commission of a criminal offence.~~
- ~~10.9 The Complainant, and the person complained about, should be notified unless doing so might prejudice a future investigation. It is possible for the IOPC to refer any complaint back to the Panel for resolution.~~
- ~~10.10 In order to enable the Panel to discharge its duties under the Regulations, the PCVC, DPCVC, the Monitoring Officer of the PCVC’s office, every counsel, solicitor or legal or other advisor instructed or retained by them are required, as soon as reasonably practicable, to notify the Panel and provide written details of the proceedings in question whenever the PCVC and/ or DPCVC is the defendant to or an interested party in legal proceedings.~~
- ~~10.11 Such persons are expected generally to cooperate with the Panel in the discharge of its statutory duties under the Regulations to such extent as is not inconsistent with any legal professional privilege or obligation of confidence.~~

### **11—Withdrawn complaints**

- ~~11.1 A complainant can withdraw or discontinue their complaint at any time by notifying the Panel in writing (addressed to the Clerk) and signing the notification. This must be recorded, and if the complaint has been referred to the IOPC they shall be updated.~~
- ~~11.2 The Panel may decide not to treat the complaint as withdrawn, but to treat it as a Conduct Matter and refer it to the IOPC in accordance with the procedure set out in section 7. This decision will be made by the Clerk in consultation with the Chair and Vice Chair of the Panel.~~

~~11.3 In respect of a Recorded Complaint the Panel must determine whether it is the public interest for the complaint to be treated as a Conduct Matter despite the complainant's withdrawal of it.~~

~~11.4 The Panel shall notify the Commissioner of the recording of a withdrawal of the Recorded Complaint and whether they have decided to treat it as a Recorded Conduct Matter. The Register will be amended accordingly.~~

~~11.5 The person who is the subject of the complaint will be kept informed, unless to do so might prejudice a criminal investigation or pending proceedings, or would in some way not be in the public interest.~~

#### ~~121 Conduct occurring outside England and Wales~~

~~12.11.1 The Commissioner has a duty to notify the Panel of any allegation, investigation or proceedings in relation to their conduct which would otherwise be a Conduct Matter under the Regulations only by reason of the fact that the conduct in question did not occur in England or Wales.~~

~~12.21.1 If the Panel receives such a notification from the Commissioner then they shall handle it in whatever manner (if any) that the Panel thinks fit.~~

~~12.31.1 Accordingly, by no later than the end of the working day following the day on which the investigation, allegation or proceedings (as above) comes to their attention, the Commissioner shall notify the Panel via the Clerk in writing of the matter.~~

#### ~~13 The Recorded Complaints and Conduct Matters Database~~

~~13.1 The Panel will establish a formal register known as "the Recorded Complaints and Conduct Matters Register" for the purposes of recording Complaints and Conduct Matters under the Regulations. This Register will take the form of an electronic database within which to record all key details pertaining to a Complaint including the date received, the complainant, a summary of the complaint / the category into which it falls (Conduct Matter, Serious Complaint or other Recorded Complaint), the date on which it was recorded, an indication of intended action on the Complaint and any other information deemed relevant as set out within the Act or Regulations. The database will be maintained by the Clerk to the Panel.~~

#### ~~146 Record Keeping and Provision of Information~~

~~14.16.1 The Panel shall retain the record for 12 months after the Commissioner leaves office, which includes every recorded complaint and purported complaint made or received by the Panel.~~

~~14.26.2 The Panel shall provide to the IOPC all such information or documents specified and all evidence or other things so specified or described by the IOPC in a notification given by the IOPC to the Panel and in a manner and within a time so specified.~~

## **157 Appeals**

**15.17.1** There is no right of appeal to informal resolution.

**15.27.2** Where all other procedures have been exhausted and the complainant is still not happy about the way their complaint has been handled, they can refer the matter to The Local Government Ombudsman, who will carry out an investigation on their behalf. Contact details can be found at <http://www.lgo.org.uk/making-a-complaint/> or by telephone contacting 0300 061 0614



## DURHAM POLICE AND CRIME PANEL

### COMPLAINT FORM

Complaint about the Durham Police ~~and~~, Crime ~~and Victims'~~ Commissioner or Deputy Police ~~and~~, Crime ~~and Victims'~~ Commissioner (where appointed).

#### Your details

1. Please provide us with your name and contact details

**Full Name (including title):**

**Address:**

**Preferred contact number:**

**Alternative contact number:**

**Email address:**

2. Your address and contact details will not usually be released unless necessary or to deal with your complaint. However, we will tell the following people that you have made this complaint:

- The office holder you are complaining about.
- Any other person whom we consider it necessary to inform to properly investigate your complaint.
- The IOPC

We will tell them your name and give them a summary of your complaint. We will give them full details of your complaint where necessary or appropriate to be able to deal with it. If you have serious concerns about your name and a summary, or details, of your complaint being released, please complete section 5 of this form.

#### Making your complaint

3. Your complaint will initially be considered, usually within seven working days, by the ~~Monitoring Officer of the Police, Crime and Victims' Commissioner's (PCVC) Office, who if there appears to be the Clerk and Monitoring Officer to the Police and Crime Panel. any substance in your complaint will forward the matter to the Police and Crime Panel via the Clerk.~~

Where your complaint alleges potential criminal conduct of the [PCVC-PCC](#) or the Deputy [PCVCPCC](#), your complaint will be referred to the IOPC.

[Where your complaint relates to the general conduct of the PCC or Deputy PCC, the Clerk will prepare a report for the Police and Crime Panel in accordance with the complaints procedure.](#)

You will be kept informed as your complaint goes through each stage of the complaints procedure.

4. Please explain in this section (or on separate sheets) whether the complaint relates to the [PCVC-PCC](#) or the Deputy [PCVCPCC](#) (where appointed) and details of your complaint.

It is important that you provide all the information you wish to have taken into account when it decides if any action can be taken.

- You should be specific, wherever possible including details about exactly what you are alleging the office holder said or did. For instance, instead of writing that you were insulted, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should explain whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

### Request to withhold identity

5. In the interests of fairness and natural justice, office holders who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a summary of the complaint and then further details of it if there is a decision to investigate it or take other action on it.

We will not withhold your identity, or a summary or the details of your complaint, unless you have exceptional reasons why we should do so.

If you think you have such reasons and want us to consider withholding your identity and/or any details of your complaint, either altogether or for some period of time, you must indicate at the submission of complaint (section 7). You must also attach to this form a separate sheet which fully explains what information you want withheld and your reasons for your request.

If you do request confidentiality and this is not granted, we will usually allow you the option of withdrawing your complaint. It is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we may still proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

### Additional Help

6. Complaints must be submitted in writing which includes email submissions. Should you require assistance with accessing this form, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing or provide the form in an alternative language if required.

If you need any support in completing this form, please let us know as soon as possible. You should initially contact the [Monitoring Officer of the PCVC's Office Clerk and Monitoring Officer to the Panel](#) (whose contact details are given below) who will try to arrange appropriate assistance for you.

### Submission of complaint

7. **(Delete as appropriate)**

By signing below I consent to my complaint being considered and presented to those parties identified in paragraph 2 of this form.

**OR**

By signing below I consent to my complaint being considered but I object to my details being provided to those listed in paragraph ~~5-2~~ of this form. I have provided full reasons as [to why I wish my identity to be withheld as required by paragraph 5 of this form](#), ~~and~~ I understand that [my request to remain confidential will until my reasons have been considered by them my identity will be kept confidential until such time my request has been considered by the Monitoring Officer or Clerk and Monitoring to the Panel and the option to understand that I will have the opportunity to withdraw my complaint if the decision is to disclose my details it is decided that my identity will be disclosed.](#)

Signed .....  
Dated .....

This form once completed should be sent, along with any supporting documents to:

[The Clerk and Monitoring Officer to the Police and Crime Panel](#)  
[Office of the Police, Crime and Victims' Commissioner](#)  
[Durham Police Headquarters, Durham](#)  
[DH1 5TT](#)[Durham County Council](#)  
[County Hall](#)  
[Durham](#)  
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## **HABITUAL OR VEXATIOUS COMPLAINTS CONCERNING POLICE AND CRIME COMMISSIONER AND DEPUTY POLICE AND CRIME COMMISSIONER**

### **1. Introduction**

- 1.1 This policy identifies situations where complainants, either individually or as part of a group, or a group of complainants, might be considered to be “habitual or vexatious” and ways of responding to these situations.
- 1.2 In this policy the term habitual means “done repeatedly or as a habit”. The term vexatious is recognised in the dictionary of law and means “an action brought for the purpose of annoying the opponent and with no reasonable prospect of success”. This policy is intended to assist in identifying and managing persons who seek to be disruptive through pursuing an unreasonable course of conduct.
- 1.3 Habitual or vexatious complaints can be a problem for officers and members. The difficulty in handling such complaints is that they are time consuming and wasteful of resources in terms of officer and member time and displace scarce human resources that could otherwise be spent on council priorities. Whilst the Monitoring Officer to the Police and Crime Panel endeavour to process all complaints under procedure there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem.

### **2. Habitual or Vexatious Complainants**

- 2.1 For the purpose of this policy, the following definition of habitual or vexatious complainants will be used:
- The repeated and/or obsessive pursuit of:
- a. unreasonable complaints and/or unrealistic outcomes; and/or
  - b. reasonable complaints in an unreasonable manner.
- 2.2 Prior to considering its implementation, the Monitoring Officer will send a summary of this policy to the complainant to give them prior notification of its possible implementation.
- 2.3 Where complaints continue and have been identified as habitual or vexatious in accordance with the criteria set out in Schedule A the Monitoring Officer will consult with the Chairman or Vice-Chairman of the Police and Crime Panel to seek agreement to treat the complaint as habitual or vexatious and for an appropriate course of action to be taken. Schedule B details the options available for dealing with habitual or vexatious complaints.
- 2.4 The Monitoring Officer will notify complainants, in writing of the reasons why their complaint has been treated as habitual or vexatious and the action that will be taken. The Monitoring Officer will also notify the PCVC, and Deputy

PCVC, as appropriate, that complainant has been designated as a habitual and vexatious complainant to the Police and Crime Panel.

- 2.5 Once a complainant has been determined to be habitual or vexatious, their status will be kept under review after one year and monitored by the Monitoring Officer with reports being taken to Police and Crime Panel as required. If a complainant subsequently demonstrates a more reasonable approach then their status will be reviewed.

### **Schedule A - Criteria for determining habitual or vexatious complainants**

Complainants (and/or anyone acting on their behalf) may be deemed to be habitual or vexatious where previous or current contact with them shows that they meet **one** of the following criteria:

Where complainants:

- 1) persist in pursuing a complaint where the procedure for handling complaints has been fully and properly implemented and exhausted.
- 2) persistently change the substance of a complaint or frequently raise new issues or seek to prolong contact by frequently raising further concerns or questions whilst the complaint is being addressed. (Care must be taken however not to disregard new issues which are significantly different from the original complaint as they need to be addressed as a separate complaint.)
- 3) are repeatedly unwilling to accept documented evidence given as being factual or deny receipt of an adequate response in spite of correspondence specifically answering their questions or do not accept that facts can sometimes be difficult to verify after a long period of time has elapsed.
- 4) repeatedly do not clearly identify the precise issues which they wish to complain about despite reasonable efforts to help them specify their concerns and/or where the concerns identified do not fall within the remit of the Police and Crime Panel.
- 5) regularly focus on a trivial matter to an extent which is out of proportion to its significance and continue to focus on this point. It is recognised that determining what a trivial matter is can be subjective and careful judgement will be used in applying this criteria.
- 6) has threatened or used physical violence towards employees at any time. This will itself cause personal contact with the complainant and/or their representative to be discontinued and the complaint will, therefore, only be continued to be written communication. The Council must determine that any complainant who threatens or uses actual physical violence towards employees will be regarded as a vexatious complainant. The complainant will be informed of this in writing together with notification of how future contact with the Council is to be made.

- 7) have in the course of addressing a complaint to the Monitoring Officer had an excessive number of contacts with the Police and Crime Panel, placing unreasonable demands on officers. A contact may be made in person by telephone, letter, email or fax. Judgment will be used to determine excessive contact taking into account a specific circumstance of each individual case.
- 8) have harassed or been verbally abusive on more than one occasion towards officers dealing with complaints. Officers recognise that complainants may sometimes act out of character in times of stress, anxiety or distress and will make reasonable allowances for this. Some complainants may have a mental health disability and there is a need to be sensitive in circumstances of that kind.
- 9) are known to have recorded meetings or face to face/telephone conversations without prior knowledge and consent by the parties involved.
- 10) make unreasonable demands on the Council and its employees and fail to accept these may be unreasonable, for example insist on an action being taken by Police and Crime Panel which falls outside of its remit.
- 11) make unreasonable complaints which impose a significant burden on the human resources of the Police and Crime Panel and where the complaint:
  - i. clearly does not have any serious purpose or value; or
  - ii. is designed to cause disruption or annoyance; or
  - iii. has the effect of harassing the Police and Crime Panel; or
  - iv. can otherwise fairly be characterised as obsessive or manifestly unreasonable
- 12) make repetitive complaints and allegations which ignore the replies which the Police and Crime Panel has supplied in previous correspondence

### **Schedule B - Options for dealing with habitual or vexatious complainants**

The options below can be used singularly or in combination depending on the circumstances of the case and whether the complaint is ongoing or completed.

- 1) A letter to the complainant setting out responsibilities for the parties involved if the Monitoring Officer is going to assess the complaint. If terms are contravened, consideration will then be given to implementing other action as indicated below.
- 2) Decline any contact with the complainant, either in person, by telephone, by fax, by letter, by email or any combination of these provided that one form of contact is maintained. This may also mean that only one named officer will be nominated to maintain contact and the complainant is notified of this person.
- 3) Notify the complainant in writing, that the Police and Crime Panel has responded fully to the points raised and has tried to resolve the complaint

but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant will also be notified that the correspondence is at an end, advising the complainant that they are being treated as a habitual or vexatious complainant and as such the Police and Crime Panel does not intend to engage in further correspondence dealing with the complaint.



## **DURHAM POLICE AND CRIME PANEL**

### **PROCEDURE FOR DEALING WITH COMPLAINTS RELATING TO THE DURHAM POLICE AND CRIME COMMISSIONER AND DEPUTY POLICE AND CRIME COMMISSIONER (IF APPOINTED)**

## 1. Overview

- 1.1 This procedure deals with complaints about the conduct of the Durham Police, Crime Commissioner (PCC) or Deputy Police, Crime Commissioner (DPCC) (where appointed) (collectively referred to as the Commissioner) in accordance with the requirements of the Police Reform and Social Responsibility Act 2011 (“the Act”) and the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 (“the Regulations”).
- 1.2 Where this Procedure is inconsistent with the Act or Regulations, the Act or Regulations will take precedence.
- 1.3 There are separate procedures for complaints against the Commissioner’s office and staff, complaints regarding operational policing, the Chief Constable and other police officers.

## 2. Role and Jurisdiction of the Panel in relation to Complaints

- 2.1 The Durham Police and Crime Panel (“the Panel”) is responsible for overseeing the handling of complaints regarding non-criminal behaviour of the Commissioner, wherever that complaint arises from. Criminal complaints about the Commissioner are dealt with by the Independent Office for Police Conduct (IOPC).
- 2.2 The Panel cannot impose sanctions but may choose to use their powers to require the Commissioner to attend a hearing to answer questions, request information and documents from the Commissioner and publish a report or recommendation.

## 3. Definitions and Concepts

**Complaint** - A general complaint about the conduct of the PCC/DPCC

**Conduct Matter** –where there is an indication that the Commissioner may have committed a criminal offence. This could be, for example, through legal proceedings or media reporting. Conduct Matters can arise without a complaint being made.

**Recorded Complaints and Conduct Matters Register** – an electronic database which records all key details pertaining to complaints against the Commissioner, including the date received, the complainant, a summary of the complaint, the type of complaint (e.g. conduct matter, serious complaint, general complaint) and intended action.

**Serious Complaint** - a complaint about the conduct of the Commissioner which constitutes or appears to constitute or involve the commission of a criminal offence.

#### **4. Initial Handling of Complaints**

- 4.1 The Panel has delegated responsibility for the initial handling of complaints to the Clerk and Monitoring Officer to the Panel (“the Clerk”).
- 4.2 Where possible, Complainants are asked to use the complaint form shown at Annex 1, and provide as much detail as possible. Complaints should be submitted to:

The Clerk to the Police and Crime Panel  
Durham County Council  
County Hall  
Durham  
DH1 5UL

or by email [helen.lynch@durham.gov.uk](mailto:helen.lynch@durham.gov.uk)

- 4.3 Where a complaint is submitted to the Office of the Police and Crime Commissioner or Members of the Panel, they should be referred immediately to the Clerk for review.
- 4.4 Where a complaint is submitted directly to the IOPC, the IOPC will notify the Panel unless the IOPC considers that there are exceptional circumstances to justify the notification not being given.

#### **On receipt of a complaint**

- 4.5 On receipt of a complaint, the Clerk will review the complaint and take one of the following actions:
- (i) If the complaint relates to an issue about local crime/ Neighbourhood concerns or other operational policing matters rather than the conduct of the Commissioner, it will be referred to Durham Constabulary in accordance with their relevant procedures.
  - (ii) Conduct matters or Serious complaints will be referred directly to the IOPC as soon as is practicable and in any event not later than the end of the following day when it becomes clear that it should be referred, and provide a copy of the complaint to the Monitoring Officer to the Commissioner within the same timescales.
  - (iii) General complaints regarding the conduct of the Commissioner or complaints, which have been considered by the IOPC and referred back to the Panel, will be referred to the Panel for consideration by way of Informal Resolution.
  - (iv) The Clerk, in consultation with the Chair and Vice Chair of the Panel can decide not to refer the complaint for resolution or take no action at all in the following circumstances:

- A complaint by a member of the Commissioner's staff, arising from their work. Such complaints will be referred to the Office for the Police Commissioner to be dealt with in accordance with the relevant employment procedures.
- A complaint that is more than 12 months old where there is no good reason for the delay or the delay would be likely to cause injustice.
- A complaint about conduct that is already the subject of another complaint.
- An anonymous complaint.
- A complaint which is vexatious, oppressive, trivial or otherwise an abuse of process for dealing with complaints (detailed in Annex 2).
- A repetitious complaint.

4.6 To promote transparency and ensure effective scrutiny, the Clerk will present a report at each regular meeting on complaints which have been subject to initial handling but not referred to the Panel and the reasons for this.

#### **Recording of Complaints**

4.7 The Clerk will record all complaints on the Recorded Complaints and Conduct Matters Register ("the Register") unless the complaint has already been recorded, it is or has been the subject of criminal proceedings or the complaint is withdrawn.

#### **Acknowledgement of Complaints**

4.8 The Clerk will acknowledge receipt of the complaint, confirm that it has been recorded on the Register and whether the complaint has been referred to the IOPC or whether it will be referred to the Panel. Where possible, complaints should be acknowledged within five working days.

#### **Duty to obtain & preserve evidence**

4.9 When a complaint comes to the attention of the Panel, it is under a duty to secure that all appropriate steps are taken to obtain and preserve evidence in relation to the conduct in question, both initially and from time to time after that.

4.10 The Clerk, in consultation with the Chair and Vice-Chair of the Panel, will liaise with the IOPC in relation to the obtaining and preservation of evidence.

4.11 The Panel may make formal requests or take such steps as considered expedient or necessary for obtaining and preserving evidence in relation to the conduct in question. This may include requests concerning the disposition of property and resources in the PCC's office (such as buildings, assets, equipment, supplies, accounts, records, information, electronic data etc.) or to the Commissioner, an employee of the Commissioner or any person or organization having a current or past

contractual relationship with the PCCs office, its predecessors or in receipt of grant from such bodies.

- 4.12 Any person given a direction by the Panel under this Procedure shall comply with it in full and generally co-operate with the Panel and its authorised Officers in the discharge of their statutory duties under the Regulations.
- 4.13 The Panel shall be informed of any instances where there has been complete or partial failure to comply with any request regarding evidence.

## **5. Complaints to be dealt with by the Panel – Informal Resolution**

- 5.1 The Clerk will provide details of the complaint to the Commissioner and invite them to respond to the complaint. The Commissioner will usually be given two weeks in which to provide their response.
- 5.2 The Clerk will prepare a report for the Panel (or if considered appropriate a sub-Committee of the Panel), setting out the pertinent details of the complaint and the Commissioner's response to the complaint. The report will also detail the relevant legislation, regulations and guidance with recommendations on the next steps.
- 5.3 The Clerk will share a copy of the draft report with the Complainant and the Commissioner and offer the opportunity to comment on matters of fact within the draft report. They will also be asked to make representations as to whether the outcome of the complaint should be published. The Complainant and Commissioner will usually be given at least seven days to provide their comments/representations.
- 5.4 The Clerk will finalise the report, including any comments/representations received by the Complainant and/or Commissioner, to be presented at a meeting of the Panel (or a Sub-Committee of it where applicable).
- 5.5 The Panel will consider whether the complaint has been satisfactorily dealt with and, subject to any representations by the complainant, may decide to treat the complaint as having been resolved. In such a case, the Panel's reasons will be recorded and notified to the parties.
- 5.6 If the Panel believes that the matter has not yet been satisfactorily dealt with, it will determine the most suitable course of action to assist informal resolution, taking into account any applicable guidance issued by the Secretary of State and any applicable guidance issued by the IOPC. Any such action plan will include an indicative timeframe.
- 5.7 In determining the most suitable course of action, the Panel may request that the Commissioner provides information or attends before the Panel to answer questions.
- 5.8 The Panel shall have regard to:
- The Code of Conduct of the Commissioner;

- Whether the complaint discloses a specific conduct failure identifiable with the Code of Conduct of the Commissioner;
- Whether the complaint related to operational policing matters which the Commissioner has no authority over; and
- The remedies available to it.

5.9 Informal resolution may not involve an investigation and it is not a disciplinary process. The intention is for the procedure to be flexible so it can be adapted to individual circumstances. The aim is to resolve a complaint to the satisfaction of the parties involved. For example, the Commissioner may agree that an apology would be appropriate, an explanation might resolve the concern, or an agreement on how to move forward may be reached following mediation.

5.10 In considering the complaint, the Panel will meet in private. The Panel can take any steps that it considers appropriate to resolve the complaint provided that those steps do not amount to a sanction. Such steps may include (but are not limited to): .

- Requesting the Clerk to write an explanatory letter to the complainant on behalf of the Panel;
- Requesting that an officer of the PCC's Office write an explanatory letter to the complainant;
- Suggesting a change to the Office of the PCC policy;
- Requesting that the Commissioner apologises in respect of the conduct complained of (no apology may be tendered on behalf of the Commissioner unless they have admitted the alleged conduct and agreed to the apology).

5.11 The Panel will consider whether the outcome of the complaint shall be published. The Panel shall not publish any part of any such record unless the Panel;

- (i) has given the complainant and Commissioner the opportunity to make representations in relation to the proposed publication; and
- (ii) having considered any such representations, is of the opinion that publication is in the public interest.

5.12 If, at any stage, the IOPC informs the Panel that it requires the complaint to be referred to it, or if the Clerk in consultation with the Chair and Vice-Chair of the Panel decides that the matter has a criminal element and therefore needs to be referred to the IOPC, the informal resolution process will be discontinued.

### **Notification of the outcome of complaints**

5.13 A record of the outcome (decision notice) must be made as soon as practicable after the process is completed. Copies must be provided to the complainant and the person complained against. The Clerk will usually aim to do this within seven days of the Panel meeting.

5.14 If applicable, the Clerk will arrange for the outcome of the complaint to be published.

## **6. Withdrawn Complaints**

6.1 A complainant can withdraw or discontinue their complaint at any time by notifying the Panel in writing (addressed to the Clerk) and signing the notification. The Clerk will record the complaint as having been withdrawn on the Register.

6.2 Where a complaint has been referred to the IOPC, the Clerk will notify the IOPC of the complainant's notification of withdrawal/discontinuance.

6.3 The Panel may decide not to treat the complaint as withdrawn, but to treat it as a Conduct Matter and refer it to the IOPC in accordance with the procedure referred to above. This decision will be made by the Clerk in consultation with the Chair and Vice-Chair of the Panel.

6.4 The Clerk will notify the Commissioner that the complainant has withdrawn or discontinued their complaint and if it is a matter that the Panel intends to refer to the IOPC as a Conduct Matter or Serious Complaint.

## **7. Conduct occurring outside of England and Wales**

7.1 The Commissioner has a duty to notify the Panel of any allegation, investigation or proceedings in relation to their conduct which would otherwise be a Conduct Matter under the Regulations only by reason of the fact that the conduct in question did not occur in England or Wales.

7.2 If the Panel receives such a notification from the Commissioner then they shall handle it in whatever manner (if any) that the Panel thinks fit.

7.3 Accordingly, by no later than the end of the working day following the day on which the investigation, allegation or proceedings (as above) comes to their attention, the Commissioner shall notify the Panel via the Clerk in writing of the matter.

## **8. Record Keeping and Provision of Information**

8.1 The Register and records relating to complaints against the Commissioner will be retained for 12 months after the Commissioner leaves office.

8.2 On receipt of a notification from the IOPC for documents or information from the Panel, the Clerk shall provide all such information, documents and evidence as requested to the IOPC.

## **9. Appeals**

9.1 There is no right of appeal to informal resolution.

- 9.2 Where all other procedures have been exhausted and the complainant is still not happy about the way their complaint has been handled, they can refer the matter to The Local Government and Social Care Ombudsman. Contact details can be found at <http://www.lgo.org.uk/making-a-complaint/> or by telephone contacting 0300 061 0614

## ANNEX 1



### DURHAM POLICE AND CRIME PANEL

#### COMPLAINT FORM

Complaint about the Durham Police and Crime Commissioner or Deputy Police and Crime Commissioner (where appointed).

#### Your details

1. Please provide us with your name and contact details

**Full Name (including title):**

**Address:**

**Preferred contact number:**

**Alternative contact number:**

**Email address:**

2. Your address and contact details will not usually be released unless necessary or to deal with your complaint. However, we will tell the following people that you have made this complaint:

- The office holder you are complaining about.
- Any other person whom we consider it necessary to inform to properly investigate your complaint.
- The IOPC

We will tell them your name and give them a summary of your complaint. We will give them full details of your complaint where necessary or appropriate to be able to deal with it. If you have serious concerns about your name and a summary, or details, of your complaint being released, please complete section 5 of this form.

#### Making your complaint

3. Your complaint will initially be considered, usually within seven working days, by the the Clerk and Monitoring Officer to the Police and Crime Panel.

Where your complaint alleges potential criminal conduct of the PCC or the Deputy PCC, your complaint will be referred to the IOPC.

Where your complaint relates to the general conduct of the PCC or Deputy PCC, the Clerk will prepare a report for the Police and Crime Panel in accordance with the complaints procedure.

You will be kept informed as your complaint goes through each stage of the complaints procedure.

4. Please explain in this section (or on separate sheets) whether the complaint relates to the PCC or the Deputy PCC (where appointed) and details of your complaint.

It is important that you provide all the information you wish to have taken into account when it decides if any action can be taken.

- You should be specific, wherever possible including details about exactly what you are alleging the office holder said or did. For instance, instead of writing that you were insulted, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should explain whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

Request to withhold identity

5. In the interests of fairness and natural justice, office holders who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a summary of the complaint and then further details of it if there is a decision to investigate it or take other action on it.

We will not withhold your identity, or a summary or the details of your complaint, unless you have exceptional reasons why we should do so.

If you think you have such reasons and want us to consider withholding your identity and/or any details of your complaint, either altogether or for some period of time, you must indicate at the submission of complaint (section 7). You must also attach to this form a separate sheet which fully explains what information you want withheld and your reasons for your request.

If you do request confidentiality and this is not granted, we will usually allow you the option of withdrawing your complaint. It is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we may still proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

Additional Help

6. Complaints must be submitted in writing which includes email submissions. Should you require assistance with accessing this form, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing or provide the form in an alternative language if required.

If you need any support in completing this form, please let us know as soon as possible. You should initially contact the Clerk and Monitoring Officer to the Panel (whose contact details are given below) who will try to arrange appropriate assistance for you.

Submission of complaint

7. **(Delete as appropriate)**

By signing below I consent to my complaint being considered and presented to those parties identified in paragraph 2 of this form.

**OR**

By signing below I consent to my complaint being considered but I object to my details being provided to those listed in paragraph 2 of this form. I have provided full reasons as to why I wish my identity to be withheld as required by paragraph 5 of this form. I understand that my identity will be kept confidential until such time my request has been considered by the Clerk and Monitoring to the Panel .I understand that I will have the opportunity to withdraw my complaint if it is decided that my identity will be disclosed.

Signed .....

Dated .....

This form once completed should be sent, along with any supporting documents to:

The Clerk and Monitoring Officer to the Police and Crime Panel  
Durham County Council  
County Hall  
Durham  
DH1 5UL

Email: [helen.lynch@durham.gov.uk](mailto:helen.lynch@durham.gov.uk)

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- 7) have in the course of addressing a complaint to the Monitoring Officer had an excessive number of contacts with the Police and Crime Panel, placing unreasonable demands on officers. A contact may be made in person by telephone, letter, email or fax. Judgment will be used to determine excessive contact taking into account a specific circumstance of each individual case.
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  - i. clearly does not have any serious purpose or value; or
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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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