

NATIONAL ASSOCIATION OF POLICE FIRE AND CRIME PANELS



Home Affairs Committee - NAPFCP Feedback

The National Association of Police, Fire and Crime Panels wishes to thank the Home Affairs Committee for its invitation to provide feedback to a number of questions relating to its inquiry on how the PCC / PCP system is operating following more than ten years after its inception.

In this document the use of the terms PCC and PFCC may be interchangeable as is the cases for the terms PCP and PFCP.

Context

There are 41 police and crime panels across England and Wales, 39 of which are national association members including all four Welsh panels. The association was formed by the members in 2018 to create a forum for collaborative discussion of issues relating to panel remit of challenge and, where appropriate, support of the decisions made by Police, (Fire) and Crime Commissioners.

The association's objective is to aid good practice sector development and to provide support and practical advice to its members. Most of the advice given to panels is to panel Chairs / Vice Chairs and panel support officers.

The association's executive committee meets monthly and is made up of ten representatives from different panels, each being subject to an annual election held in November. Currently the executive committee is comprised of five panel chairs, one vice chair and four panel members. Four executive committee members are co-opted independent panel members. Four executive members have served on their respective panels since these were formed in 2012. The association welcomes panel members as non-voting observers to attend executive committee meetings.

The NAPFCP does not receive any funding or subscriptions for the work it undertakes on behalf of the sector and operates on a self-help voluntary basis.

The association's Terms of Reference are;

- To provide a forum for collaborative discussion of issues relating to and impacting on Police and Crime Panels and Police, Fire and Crime Panels (PCPs / PFCPs)
- To share ideas and experience in response to the expanding role of PCCs and PFCCs and thereby PCPs / PFCPs
- To create a mechanism for direct liaison between PCPs / PFCPs and the Home Office
- To provide an opportunity for dialogue with relevant bodies such as the Association of Police and Crime Commissioners, Association of Police and Crime Chief Executives and others
- To support the development of joint PCP /PFCP responses to relevant consultations
- To promote professional standards

- To share good practice and create guidance and other supporting materials for PCPs / PFCPs
- To ensure stability and collective memory in a landscape where PCPs / PFCPs can have significant changes in membership
- To provide capacity for horizon scanning across all PCPs / PFCPs.
- To promote better public understanding of the role of PCPs / PFCPs.

It is a feature of panels that, due to an ongoing personal interest in the subject matter, there are many former police officers and fire and rescue officers within their membership. Some are appointed to panels by a local authority as elected members and others are independent co-opted panel members. This tendency is reflected within the membership of the NAPFCP, with two retired police officers as members.

The NAPFCP encourages every panel to include training for new as well as experienced panel members at least annually and specifically after area elections are concluded. Frontline Consulting is a private company that has provided training and feedback sessions for panels for a number of years. Frontline also holds regional panel networking sessions for support officers and chairs / vice chairs that provides a forum for sharing experiences and sector related intelligence. These regional networking sessions are attended by a NAPFCP executive committee member to help ensure current developments and issues affecting panels are recognised and fed back to the LGA and Home Office as appropriate.

The NAPFCP is regularly invited to provide a response to the various consultation projects on PCC / PCP related subjects including but not limited to;

- The Home Office PCC review consultation Part 1 and Part 2
- The College of Policing Consultation.
- The Home Office Panel Training Initiative.
- The Home Office Investigation into central support for panels.
- The Police Federation PCC Review.

The NAPFCP is a LGA Special Interest Group (SIG) and regular meetings are held between the LGA lead officer for Policing and Fire & Rescue and the association's chairman.

NAPFCP Feedback Response

The response to the individual questions asked by the Home Affairs Committee has been compiled from feedback provided from the association's executive committee members. The association's Chair regularly receives direct feedback from panels, usually relating to relationships between the PCC and the respective panel, this has also been used to inform the response.

The questions asked by the Home Affairs Committee are copied below and the NAPFCP response follows each question.

❖ *What impact have PCCs had since 2012?*

The introduction of the PCC role within Policing has largely been a success in terms of providing positive benefits to the public. The Chief Constable has an extremely difficult and complex role, providing policing not just for their relevant policing area but also for wider policing, resource management, hidden crime, fraud, online cyber-crime and counter terrorism amongst others. On behalf of the public a PCC holds the Chief Constable to account for the delivery of the wider policing responsibilities but very specifically for the areas of crime more closely understood and experienced by the public in their everyday lives.

Prior to 2012 the Police Authority part filled the role of the PCC in holding the Chief Constable to account. The public often did not understand or appreciate the role of the Police Authority and other than the few independent members that formed the authority it was made up of elected members from the district, borough, unitary or county councils. When elected members were appointed to the authority it could be used as a means to reward party political loyalty, as a means of granting status or perhaps the remuneration by way of the allowance. The public had no collective say in the membership of the authority and the independent members were selected by the authority members. The Police Authority often had a sizeable support structure in place to facilitate the day to day administrative and operating requirements.

The PCC's statutory responsibility for producing an area policing plan is often shaped around their election manifesto which supported their election success. Whilst the plan is developed by the PCC it invariably acts as a marker for local policing delivery upon which the Chief Constable will be held to account. As the policing plan is finally scrutinised by the PCP before it can be issued, the public has some element of comfort that the plan is both locally focussed and broadly in line with their expectations for local policing. From a public perspective, the PCC provides a strong public media presence with responsibilities for policing as part of the policing family.

The role, responsibilities and in some areas the remit of the PCC has evolved significantly since 2012. Some Panels are considering the extent of a PCC's engagement in the criminal justice system and have requested or are requesting specific details on the role their PCC or deputy has in this regard.

In 2017 legislation was passed enabling the transfer of fire and rescue governance from the unelected Fire and Rescue Authorities to directly elected PFCCs, subject to Home Secretary approval. This change to legislation was only for England and excluded fire and rescue services in Wales. This option has successfully been progressed in Essex, Northamptonshire, North Yorkshire, Staffordshire and Cumbria effective April 2023.

The Essex PCC was the first to submit a business case to the Home Office to replace the Fire Authority and in creating the business case the PCC invited the PCP to comment on the business case prior to submission. This was appreciated by the PCP as a positive step in acknowledging the additional demand challenges that would follow as a Police, Fire and Crime Panel.

At that time the Lucas report on Essex FRS had been released which made for disturbing reading as it identified widespread bullying and intimidation with failures from top to

bottom within the organisation, including a lack of management. The newly appointed PFCC took on the challenge of reforming the Essex FRS to address the report findings and completely transformed the service's culture and recruitment processes. The Chief Fire Officer was appointed from a non-fire and rescue background, emphasising the need to focus on cultural change. The last HMIFRS report for Essex showed a significant improvement had been achieved in organisational and culture reform which can be largely attributed to the actions of the PFCC working in partnership with the FRS transformational team.

When PCCs were first appointed there were concerns that this could lead to the politicising of policing services, particularly as a PCC had the remit to appoint or even dismiss a Chief Constable. Whilst this remit could appear controversial, it does provide the public with greater transparency in the selection and appointment of a Chief Constable especially as the PCP holds the power of veto as an ultimate sanction. Most Chief Constables are on extendable 4/5-year contracts which helps to ensure that changes created by the PCC election cycle are manageable for both the CC and any newly elected PCC.

Year on year operating cost reductions continue to affect sector budgets. The process of agreeing budgets and hence the setting of precepts has become much more transparent for the public. The police budget is determined by the Chief Constable leaving the PCC to determine the precept that is needed to cover the budget. The political debate on cost savings and central government funding falls to the PCC without lessening Chief Constables' ability to approach the government directly. Good and positive working between the PCC and the CC can act as a positive persuading force for government.

Police estates remain a significant expenditure budget line item. Since 2012 and out of necessity PCCs have needed to establish an estate strategy to reduce costs, and improve asset efficiency. This has led to closure of older and under-utilised police buildings and entry into shared accommodation contracts with fire and rescue and local authorities. Whilst the closure of buildings is not generally welcomed by the public, the presence of estates strategies at least provide some transparency and explanation.

As elected officials most PCCs hold public meetings throughout their county making the public more aware of the position held within the policing family. Whilst these sessions are often attended by senior police officers, it is for the PCC to determine how the flow of the session develops and whether officers are invited to address specific questions. These sessions help in transparency providing the public with answers to general county-wide issues without being dominated by specific policing incidents.

❖ *To what extent do PCCs provide effective oversight and democratic accountability for local policing?*

This largely depends on the individual that is elected. The PCC position is high profile and influential, and to be successful requires the individual to have the necessary skillset developed prior to their election to office. The role involves understanding and making difficult decisions when dealing with budgets, leading the team within their office, interaction with the public and the media and most importantly being able to

win the respect of the Chief Constable as well as the Local Authority leaders and the PCP. The majority of PCC candidates are subject to local selection processes by political groups and it is those processes that determine the suitability of candidates for the role.

Without adequate and appropriate skills, it is difficult to envisage how a PCC can provide effective oversight of local policing. Whilst additional skills and capability may be provided by a Deputy PCC, not all PCCs have made such appointments.

Training is not a statutory requirement for PCCs which would assist greatly in terms of oversight provision and public accountability. PCCs are members of the APCC, which provides networking and strategic thinking relevant to modern policing methods and the role PCCs have in meeting police related challenges.

The Home Secretary has recommended that PCCs should develop their role within the criminal justice system. Placing the PCC as chair of the Local Criminal Justice Board (LCJBs) on a statutory footing, to help mobilise agencies to work together more effectively, will require considerable interpersonal and commercial skills.

A PCC must be capable of thinking on their feet when dealing with the public at open forums. A good relationship between PCC and PCP can be used to benefit a PCC with an open mind, as questions raised by an informed panel often reflects the questions the public would wish to see answered.

It is important that a PCC has a broad understanding of local and central government and how to operate effectively within these environments. Without this knowledge PCCs may not be aware of the nuances of public sector working and how to develop a position of trust across diverse elected member local authorities.

❖ *How effective are PCPs at scrutinising PCCs?*

A number of factors influence the effectiveness of PCP scrutiny. Experience shows that where a professional, non-party political and respectful relationship exists between the PCC and the panel membership then effective outcomes can be achieved. Conversely without a good, trusting relationship the panel may not be able to exercise effective scrutiny particularly if the panel are viewed as a threat by the PCC for what may be exposed or reported on.

Panel members are either politically appointed by a local authority or appointed as independent co-opted members selected by the panel until their termed appointments (normally 4 years) come to an end. It can take some time for panel members to understand their role. This collective understanding can be impeded by regular changes in membership resulting from local elections when it is not uncommon for more than a third of elected members to be replaced.

There are a number of factors involved in the development of Panel effectiveness:

- (a) developing an understanding of the role and the limits of the Panel's remit by its members,
- (b) a quality secretariat providing relevant panel support and administration;
- (c) agreeing a relevant panel work programme; and

- (d) a PCC that understands, appreciates and responds positively to PCP requests in its role as a critical friend and provides the information needed for the Panel to fulfil its role.

When the above factors are not present then PCP scrutiny becomes more difficult and therefore potentially less effective.

The ability of Panels to deal appropriately with complaints made about the PCC or Deputy PCC is a significant concern for panels. Such complaints can be extremely time consuming and expensive where outside expertise is required to progress them. Where multiple complaints against the PCC or Deputy are made the position is exacerbated. This concern has been raised with the Home Office.

Some panel member comments received by the NAPFCP include;

“I believe that we as a Panel are good at scrutinising the Commissioner and he responds very positively to our questions. There are no reforms to the Panel that I believe are necessary as it does perform its functions in scrutinising non-operational decisions taken by the Commissioner.”

“Overall, there is a shortage of contemporary research information available on the topic of PCCs and the interactions with PCPs”.

PCP resourcing is often provided by a single individual within the host authority which can place limits in the provision of meaningful and robust scrutiny at a local level. This situation has been considered by the Home Office and a project to create panel information hubs is in development to help address this shortfall. Panels have been consulted on Home Office plans to develop these hubs which may help to provide more robust support for panels that only have single resource capability.

When PCCs engage with PCPs in the earlier stages of budget development effective scrutiny is encouraged, however few PCCs appear to welcome this or see how it can assist in the process of precept determination. Some panels are invited by the PCC to take part in short budget workshops prior to the budget being formally presented to the panel for approval of the precept in order to build understanding of the PCCs intentions.

If a panel does not accept the PCC’s proposed precept, the panel can only ask the PCC to make changes once. The PCC is only required to make a minor amendment to the proposed precept (e.g. one penny difference) for the precept to be passed. Using the veto is unusual, perhaps because of this limited scope for meaningful change, although the negative publicity likely to be attracted when it is used is a demonstration of the ‘soft power’ that panels can wield.

PCCs are not required by statute to appoint a deputy. In instances where deputies have not been appointed, and the PCC is unable to carry out their responsibilities due to illness or other unforeseen circumstances, the opportunity for PCPs to challenge the decisions made by the PCC is largely suspended. PCCs should be required to appoint a deputy to safeguard against such events, this being justified by the additional workload added to PCC remit since 2012. Some panels have also expressed concerns when a Deputy PCC is appointed as there is no requirement for the position to be filled following a formal or transparent interview process. Some Panels also believe that its power of appointment veto should be extended to include Deputy PCC appointments.

❖ *How well do relationships between PCCs and Chief Constables function? How clear are their respective roles and responsibilities as set out in the Policing Protocol?*

Providing there is a good professional relationship in place between the PCC for governance and the Chief Constable for operational matters then in general there appears little conflict and particularly as their respective roles and responsibilities in policing are clearly set out in the protocol.

Some PCCs may request the Chief Constable to provide reports or information on specific operational matters for sharing with the panel to assist in the understanding of related strategic decisions taken by the PCC.

❖ *How effective are PCCs at driving collaboration to improve public safety?*

This is dependent on the skills and capabilities of the PCC. If they have held a senior role engaging with multiple stakeholders prior to being elected they may already possess the interpersonal skills and flexibility of thought that is needed to drive lasting collaboration to improve public safety. When a PCC listens to other partnership leads, analyse the advice given and be prepared to work meaningfully with senior leads then public safety initiatives can more readily be implemented.

Most PCCs issue newsletters and progress updates on a regular, sometimes weekly, basis for public awareness and understanding of policing initiatives. These newsletters are available to members of the public signing up to them; they can also be circulated via other stakeholders, such as Parish and Town Councils.

PCCs are able to provide grant funding to help develop or promote public safety initiatives. Whilst grant provision comes with an administration cost, the payback can be significant in supporting direct and indirect collaborative working practices.

With the transition of grant funding for Community Safety Partnerships from government to PCCs this can help drive collaboration between the CSP and the PCC and helps to ensure the Policing Plan priorities form part of a CSPs planning. However, some panel members who serve on CSPs have voiced concerns relating to lower-than-expected CSP funding by the PCC.

❖ *How effective are PCC at commissioning services, including those for victims?*

PCCs are ideally placed to be effective in the support of victims and providing they are prepared to resource the OPCC appropriately. Restorative Justice, mediation and collaboration with partners in policing, criminal justice, judges and magistrates are invaluable initiatives in providing effective victim justice as well as potentially assisting in reducing delays within the crown court system.

The effectiveness of PCCs in commissioning services is better measured by the outcome report for police and crime and fire and rescue plans where applicable. An annual independently commissioned report should be commissioned by the Home Office (or the HMICFRS) to record the effectiveness of each PCC against their police and, where applicable, fire and rescue plans.

❖ *How effective are PCCs at performing their roles in the complaints system?*

The role of PCCs in the complaints system has been in place for a number of years and still remains a time consuming and often delayed process. Additional OPCC resource is often required to undertake the necessary work in a satisfactory and time efficient manner.

The PCC has the power to suspend or terminate a Chief Constable and is required to consult with the PCP before taking such action. Prior to panel involvement it may be of benefit if the PCC was required to consult with the HMICFRS / College of Policing, as an external independent organisation and the resulting advice shared with the PCP prior to their consideration of the matter.

❖ *What impact has there been when PCCs have taken on responsibility for fire and rescue services, and why have so few PCCs done this so far?*

Within Essex the appointment of a PFCC was the first step in delivering the wholesale cultural change that had been mandated by the Lucas report. The PFCC appointed a new Chief Fire Officer who was not an FRS professional but possessed a track record of successful public sector transformation programmes. A new Deputy CFO was also appointed who was highly skilled in FRS operational management. The PFCC working with the CFO and Deputy embarked on a significant programme of change which has led to significant positive change to the staff and operational efficiency of what was a failing service.

In North Yorkshire local stakeholders initially did not support the proposed change referring that the PCC became a member of the Fire Authority which would have remained largely in place. The Home Secretary however approved the PCC's business case and PCC became the PFCC. The relationship between the PFCC and the PCP was initially strained, however this changed positively during the months that followed.

Prior to Northamptonshire PFCC being appointed, the FRS was under the control of Northamptonshire County Council which at the time was experiencing serious financial difficulties. FRS finances and associated reserves were not ringfenced and hence were not necessarily employed in the sole support of the service until the PFCC was appointed. The PFCC provided much needed focus to decision making, based on what would be best for the service in meeting public need. The service was allowed to develop in an appropriate manner in line with other fire and rescue services which included the recruitment of new officers, which was not the case prior to the PFCC appointment. The PFCC has recently attracted adverse public attention after appointing an interim chief fire officer who possessed no operational fire experience, which provides an example of the need for transparency in senior appointment recruitment coupled to appropriate confirmation by the PCP. In spite of a call of no confidence in the PFCC's leadership by the Fire Brigade Union and several elected councillors, the PCP concluded by majority not to support this challenge perhaps due to his previous record of achievement whilst in the role.

Staffordshire has had two different PFCCs and both have recognised the need for positive change in working practice, governance and accountability. There have been reports of the widespread resistance to change by differing services across England, this

sometimes being blamed on the reluctance of unions to accept changes to productivity as necessary without an automatic increase in salary. The PFCC appointment has allowed smoother and arguably quicker implementation of revised and enhanced FRS working practices that may not have been so easily achieved in a non PFCC area controlled by a multiple member Fire Authority.

The reasons why more fire and rescue services have not been transferred to PFCC governance have been well documented through various Home Office reviews on PCCs. One important consideration is that not all Fire and Rescue Services are co-terminus within one specific PCCs geographic area therefore making it unclear as to which PCC would produce the required business case and how the required consultation with various parties would take place.

Hertfordshire FRS is governed by Hertfordshire County Council. In 2018 the PCC submitted an application to become a PFCC, believing this would lead to significant savings for both policing and fire and rescue. He later withdrew the application after signing an agreement with the County Council that was expected to provide savings through greater police and fire and rescue collaboration.

It may require the government to mandate that all PCCs change to the PFCC model if more PFCCs are to be established.

It may also be of relevance that if a PCC takes on the responsibility for fire and rescue, the fire authority members may experience financial loss if the collective authority membership is replaced by a PFCC. Allowances made available through the Home Office grant for PFCP members are capped at £920p.a., in contrast with the allowances paid to FRA members. Likewise, membership of the Fire and Rescue Authority can be used as an incentive award for political status.

Similarly, the PCC role is extremely demanding even without the additional governance responsibilities that stem from fire and rescue. There is little if any financial incentive for PCCs to take on the PFCC role in addition to the additional responsibilities they are now expected to meet for example engagement within the criminal justice system. Salary levels for PCC/PFCCs has not increased in general terms since 2012 when the position was first established.

❖ What further reform, if any, is needed to the PCC model?

The following comments and suggestions are derived from the experiences of the NAPFCP executive committee members and observers.

The PCC model appears to work well with little reform of the model identified as being needed. The model itself has introduced the PCC and PCP into the policing, and where applicable, fire and rescue family. A good working relationship based on trust, openness and professional governance is essential, however this often relies more on personalities and individual skills rather than changes to the model itself.

The government should consider introducing mandating that fire and rescue governance should transfer to PCCs. Without a mandate there appears little incentive for a PCC to take on the additional work thereby potentially decreasing the benefits that can accrue.

Currently PCCs or panel members are not mandated to attend training with respect to their roles. If suitable training sessions were mandated this would help develop the model positively, especially if the content of the training sessions was standardised to ensure consistency.

Panels currently have only limited powers to address any excesses and no powers to dismiss a PCC should a “vote of no confidence” be tabled. Introducing further powers to address this would be of benefit.

Consideration should be given to introducing HMICFRS inspection reports of PCCs and OPCCs.

It should be mandated that every PCC should appoint a deputy using a transparent independent recruitment process. The process could be jointly developed by the NAPFCP and APCC.